



**\*\*CONFIDENTIAL COPY\*\***

# **Business Papers 2023**

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
**WEDNESDAY 20 SEPTEMBER 2023**

*A prosperous and progressive  
community we proudly call home*







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13 September 2023

Dear Councillor,

MEETING NOTICE  
**Ordinary Meeting**  
20 SEPTEMBER 2023  
Public Forum at 5.30pm  
*Council Meeting commencing at conclusion of Public Forum*

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Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

The meeting will be live streamed on Council's website.

Members of the public may address Council at the Public forum, which is held at 5.30pm immediately preceding the Council meeting. Speakers who wish to address Council are invited to register by 4.00pm on the day prior to the Council Meeting by contacting the Executive Assistant to the Mayor and General Manager.

Yours faithfully

JULIAN GEDDES  
ACTING GENERAL MANAGER



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## Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

### Item 1: Apologies

### Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

### Item 3: Confirmation of Minutes

#### **3.1 Minutes of Ordinary Meeting held on 16 August 2023**

##### Council Decision:

That the Minutes of the Ordinary Meeting held on 16 August 2023 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	<b>To be reported to Council at a future meeting.</b>
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong River at the old crusher site.	<b><u>RECOMMENDED FOR COMPLETION</u></b>
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	<b>To be reported to Council at a future meeting.</b>
Disabled Access and Parking in Gulgong	272/22 Ordinary Council Meeting 21/09/2022	That Council removes Emergency Vehicle Parking Only signage from Herbert Street Gulgong; identify and construct a disabled access ramp at a suitable location between the Gulgong Post Office and Gulgong Medical Centre.	<b>To be reported to Council at a future meeting.</b>
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	<b>To be reported to Council at a future meeting.</b>



## Item 5: Mayoral Minute

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Nil

## Item 6: Notices of Motion or Rescission

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### 6.1 NSW Women's Week Grants

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103,

#### **MOTION**

**That Council apply for the NSW Women's Week Grant funding, to fund a women's event to be held in each of the centres: Rylstone, Kandos, Gulgong and Mudgee in March 2024 to coincide with NSW Women's Week 2024.**

#### Background

NSW Women's Week Grants provide funding for organisations to deliver an event or activity that supports the objectives of NSW Women's Week, and the NSW Women's Strategy (2023-2026). NSW Women's Week will be held between Monday 4 March 2024 and Sunday 10 March 2024 to coincide with International Women's Day on 8 March 2024.

Funding applications are open now.

#### Officer's comments

Council's Community Services Directorate will be applying for funding under this program.

## Item 7: Office of the General Manager

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### 7.1 Council Meeting Schedule 2024

REPORT BY THE DIRECTOR COMMUNITY  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, GOV400105

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the Council Meeting Schedule 2024; and**
2. **confirm the dates for Meetings of Council for 2024 as follows:**
  - **Wednesday 21 February 2024 – Council Meeting**
  - **Wednesday 20 March 2024 – Council Meeting**
  - **Wednesday 17 April 2024 – Council Meeting**
  - **Wednesday 15 May 2024 – Council Meeting**
  - **Wednesday 22 May 2024 – Extraordinary Council Meeting**
  - **Wednesday 19 June 2024 – Council Meeting**
  - **Wednesday 17 July 2024 – Council Meeting**
  - **Wednesday 14 August 2024 – Council Meeting**
  - **Wednesday 9 October 2024 – Extraordinary Council Meeting**
  - **Wednesday 16 October 2024 – Council Meeting**
  - **Wednesday 20 November 2024 – Council Meeting**
  - **Wednesday 11 December 2024 – Council Meeting**

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#### Executive summary

This report sets the dates for the Council meetings to be held in 2024.

#### Disclosure of Interest

Nil

## Detailed report

Council meetings are held each month (with the exception of January). Meetings are generally held on the third Wednesday of each month, commencing at 5.30pm with a Public Forum session.

An extraordinary meeting is required on Wednesday 22 May 2024 to support the smooth passage of the Operational Plan and Delivery Program.

It is noted that the August meeting is recommended to be held on 14 August 2024 which is the second Wednesday of the month. The NSW Local Government elections are to be held on Saturday 14 September 2024. It is best practice to not hold Council meetings during the caretaker period in the four weeks prior to the Council election. There are certain decisions of Council that are not able to be made during the caretaker period and to avoid this situation, the August meeting can be held a week earlier.

It is also noted that the December meeting is to be held on the second Wednesday to ensure that it is not held too close to the Christmas break.

The proposed schedule meets the requirements of the Code of Meeting Practice.

Following the September election, the newly elected Council may decide to hold meetings at different dates and times by resolution of Council.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
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Goal	Strong civic leadership
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Strategy	Provide accountable and transparent decision-making for the community
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## Strategic implications

### **Council Strategies**

Community Plan

### **Council Policies**

Code of Meeting Practice

### **Legislation**

Local Government Act

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

SIMON JONES  
DIRECTOR COMMUNITY

1 September 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

Item 8: Development

8.1 DA0027/2023 - Demolition, subdivision, development of retail premises (Bunnings Warehouse), signage and ancillary works - 134 Lions Drive, Burrundulla

REPORT BY THE TOWN PLANNER  
 TO 20 SEPTEMBER 2023 ORDINARY MEETING  
 GOV400103, DA0027/2023

**RECOMMENDATION**

That Council:

- A. receive the report by the Town Planner on the DA0027/2023 - Demolition, subdivision, development of retail premises (Bunnings Warehouse), signage and ancillary works - 134 Lions Drive, Burrundulla;
- B. approve DA0027/2023 - Demolition, subdivision, development of retail premises (Bunnings Warehouse), signage and ancillary works - 134 Lions Drive, Burrundulla subject to the following conditions:

**APPROVED PLANS**

- 1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title/ Name:	Project No.	Drawing No. / Ref	Rev	Date	Prepared by:
<b>Architectural Drawings</b>					
Context Plan	21006	TP-01	C	June 2022	Michael Car Architect Pty Ltd
Site Plan	21006	TP-02	M	June 2022	Michael Car Architect Pty Ltd
Existing and Demo Plan	21006	TP-03	C	June 2022	Michael Car Architect Pty Ltd
Overall Plan	21006	TP-04	C	June 2022	Michael Car Architect Pty Ltd
Roof Plan	21006	TP-05	A	June 2022	Michael Car Architect Pty Ltd
Elevations	21006	TP-06	B	June 2022	Michael Car Architect Pty Ltd
<b>Landscaping</b>					
Landscape Site Plan	-	2907 LP-00	03	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet	-	2907 LP-01	03	20-06-	John Lock &

Title/ Name:	Project No.	Drawing No. / Ref	Rev	Date	Prepared by:
1				2022	Associates Landscape Architecture
Landscape Plan - Sheet 2	-	2907 LP-02	04	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 3	-	2907 LP-03	04	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 4	-	2907 LP-04	04	20-06-2022	John Lock & Associates Landscape Architecture
Landscape Plan - Sheet 5	-	2907 LP-05	04	20-06-2022	John Lock & Associates Landscape Architecture
<b><i>Engineering Drawings</i></b>					
Cover Sheet	HD259	HD00	9	26 May 2022	High Definition Design Pty Ltd
Overall Plan Sheet	HD259	HD01	9	07.11.22	High Definition Design Pty Ltd
Bunnings Lot Site Plan	HD259	HD02	9	07.11.22	High Definition Design Pty Ltd
Aerial Overlay Road Works	HD259	HD03	9	07.11.22	High Definition Design Pty Ltd
Overall Road Works Plan	HD259	HD04	9	07.11.22	High Definition Design Pty Ltd
Road Works Plan Sheet 1 of 2	HD259	HD05	9	07.11.22	High Definition Design Pty Ltd
Road Works Plan Sheet 2 of 2	HD259	HD06	9	07.11.22	High Definition Design Pty Ltd
Channel Long Section	HD259	HD07	9	07.11.22	High Definition Design Pty Ltd
Channel Typical Sections	HD259	HD08	9	07.11.22	High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 1 of 4	HD259	HD08A	9	07.11.22	High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 2 of 4	HD259	HD08B	9	07.11.22	High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 3 of 4	HD259	HD08C	9	07.11.22	High Definition Design Pty Ltd
Diversion Channel Cross Section Sheet 4 of 4	HD259	HD08D	9	07.11.22	High Definition Design Pty Ltd
Driveway 1 and 2 Longitudinal Section	HD259	HD09	9	07.11.22	High Definition Design Pty Ltd

Title/ Name:	Project No.	Drawing No. / Ref	Rev	Date	Prepared by:
Basin Plan	HD259	HD11	9	07.11.22	High Definition Design Pty Ltd
Basin Cross Section	HD259	HD11A	9	07.11.22	High Definition Design Pty Ltd
Tree Removal and Demolition Plan	HD259	HD17	9	07.11.22	High Definition Design Pty Ltd
Cut to Fill Plan	HD259	HD18	9	07.11.22	High Definition Design Pty Ltd
Servicing Plan	HD259	HD19	9	07.11.22	High Definition Design Pty Ltd
Scour Protection Typical Detail	HD259	HD20	9	07.11.22	High Definition Design Pty Ltd
<i>Subdivision Plan</i>					
Proposed Lot Layout	19395	-	B	08.06.22	Delfs Lascelles Consulting Surveyors
<i>Reports</i>					
Operational Noise Emission Assessment	-	5549R001. NW.220705	0	13 July 2022	Acoustic Dynamics
Biodiversity Development Assessment Report	22MUD 2158	-	2	5 July 2022	EcoLogical
Traffic and Parking Assessment	-	19123	H	October 2022	Transport and Traffic Planning Associates

- For clarity, this development consent approves demolition of existing dwelling and associated structures; Torrens Title subdivision (1 into 4 lots); development of Lot 1 for Bunnings Warehouse including signage; and associated ancillary works including the removal of trees within the site and within the road reserve.

**GENERAL**

- All demolition works are to be carried out in accordance with AS 2601-2001 “Demolition of structures”, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.
- Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
- The only waste derived fill material that may be received at the development site must be:
  - Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and



- b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.
6. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
7. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
- No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.
8. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of OEH.
9. Appropriate traffic measures are to be in place during the construction phase of the project to minimise impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
10. Safe Intersection Sight Distance (SISD) is to be provided at all driveway intersections with public roads in accordance with section 3 of *Austrroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and relevant Australian Standards (i.e. AS2890:1:2004).
11. Loading and unloading activities associated with the site are to occur on-site.
12. All vehicles entering and existing the site must do so in a forward direction.

## **STAGE 1 – 4 LOT SUBDIVISION**

### **PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE**

13. Prior to the issue of Subdivision Works Certificate, the developer must enter into a Works Authorisation Deed (WAD) with TfNSW for upgrade works to the intersection of Lions Drive and Castlereagh Highway generally in accordance with drawing HD259 – Revision 9 – dated 07/11/2022 prepared by High Definition Design Pty Ltd.
- TfNSW will exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.
  - All works associated with the subject development are to be undertaken at full cost to the developer and at no cost to TfNSW or Council, and to Council's requirements.
  - Discharged stormwater from the development is not to exceed the capacity of the Castlereagh Highway stormwater drainage system (drainage culverts). Any

adjustments to the existing system that are required are to be agreed by TfNSW prior to final approval of the development.

*Note: The developer is advised that Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.*

*Note: The WAD process, including acceptance of design documentation and construction, takes time. The developer is to be made aware of this and allow sufficient lead time within the project development program to accommodate this process. It is suggested the developer work through this process as soon as possible with the TfNSW.*

14. A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A Subdivision Works Certificate is required for the following civil works:

- a) Flood mitigation works.
- b) Site filling and regrading.
- c) Water main extensions, sewer main extensions, pressure sewer and fire services.
- d) Stormwater drainage, detention basins and inter-allotment drainage.
- e) Road construction / widening.
- f) Footpath and kerb & gutter.
- g) Landscaping of public reserves.
- h) Concrete driveway access for lots 2,3 and 4.

*Note - no works can commence prior to the issue of the Subdivision Works certificate.*

15. Prior to the issue of Subdivision Works Certificate the class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to issue of a Subdivision Works Certificate.

Table: Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits
PCT 277 (Low) – Blakely's Red Gum – Yellow Gum tall woodland of the NSW South Western Slopes Bioregion	6.0

16. **A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by Council prior to the release of the Subdivision Works Certificate. The drainage report and design must be prepared in consultation with Council and comply with the following requirements:**
  - a) **Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a structural design for the proposed wall certified by a suitably qualified professional Engineer.**
  - b) **Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.**
  - c) **Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/100 year event.**
  - d) **Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.**
  - e) **The design shall provide for inter-allotment drainage to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. The design shall accommodate the provision of 1m wide easements over inter-allotment drainage.**
17. **A Traffic Management Plan (TMP) completed by a “Certified Person” for implementation during works is to be submitted to Council prior to any work commencing.**
18. **A copy of the Contractor’s public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Subdivision Works Certificate. The insurance cover shall include the following:**
  - a) **Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
  - b) **Public Liability Insurance is to include Mid-Western Regional Council as an interested party.**
  - c) **The copy of the Contractor’s public liability insurance cover is to include the Certificate of Currency.**
19. **An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:**
  - a) **Saving available topsoil for reuse in the revegetation phase of the development;**
  - b) **Using erosion control measures to prevent on-site damage;**
  - c) **Rehabilitating disturbed areas quickly; and**
  - d) **Maintenance of erosion and sediment control structures.**

20. **Consent from Council must be obtained for all works within the road reserve, including removal of trees, pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Subdivision Works Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.**
21. **Details of the internal driveway within the access handles are to be submitted and approved by the Certifier (i.e. Council or a private Certifier) as part of the Subdivision Works Certificate. The details are to comply with the following:**
  - a) **An 8m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lots 2,3 and 4.**
  - b) **An 8m wide reinforced concrete driveway with integral kerb is to extend for the full length of the right of carriageway to be provided over the access handles for proposed Lots 2 and 3.**
  - c) **The design of the driveway and crossover is to comply with Aus-Spec #1 and Council's "Access to Properties Policy".**
  - d) **The details are to comply with the relevant provisions of AS2890.1-1993.**
  - e) **Should concrete be used, provide for construction joints and removable panels in the driveway so that the part of the concrete driveway can be removed while maintenance occurs on the sewer within the easement.**
22. **Details of the access upgrade, internal driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of a Subdivision Works Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-Street Car Parking and the relevant conditions of this development consent.**

#### **PRIOR TO COMMENCEMENT OF WORKS**

23. **The development site is to be managed for the entirety of work in the following manner:**
  - a) **Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;**
  - b) **Appropriate dust control measures;**
  - c) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;**
  - d) **Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**
24. **Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.**
25. **Prior to the commencement of subdivision works, the following actions are to be carried out:**
  - a) **A site supervisor is to be nominated by the applicant;**
  - b) **Council is to be provided with two (2) days notice of works commencing; and**

- c) Council is to be notified in writing of any existing damage to Council's infrastructure.

**Note - failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.**

- 26. **Runoff and erosion controls shall be installed prior to clearing and incorporate: -**
  - a) **diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;**
  - b) **sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and**
  - c) **maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.**

#### **DURING WORKS**

- 27. **The subdivision works are to be inspected by a Certifier (i.e. Council or a private Certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
  - a) **Installation of sediment and erosion control measures;**
  - b) **Water and sewer line installation prior to backfilling;**
  - c) **All stormwater drainage prior to backfilling;**
  - d) **Detentions systems;**
  - e) **All concrete prior to pouring (reinforcing in place);**
  - f) **Establishment of line and level for kerb and gutter placement;**
  - g) **Road Pavement construction;**
  - h) **Road Pavement surfacing;**
  - i) **Any other inspections as directed by Council's Engineer, and**
  - j) **Practical Completion.**
- 28. **The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.**
- 29. **An ecologist or fauna spotter is to be onsite during the removal of the four hollow trees to mitigate any potential harm to residing wildlife.**
- 30. **The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.**
- 31. **The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.**
- 32. **All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.**
- 33. **All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer's/demolisher's expense.**

- 34. **Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.**
- 35. **Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.**
- 36. **Stormwater drainage is to comply with the *Mid-Western Regional Council Development Control Plan 2013* and the standards referenced in Appendix B and D.**
- 37. **Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.**

**Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.**

**Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.**

- 38. **The developer is to upgrade the Lions Drive to the extent shown on Drawing HD259 – Revision 9 – dated 07/11/2022 prepared by High Definition Design Pty Ltd, such that it has the following characteristics:**

Item	Requirement
Road Pavement Width	10m between kerb faces
Footway Width	Minimum 4.5m
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required or asphaltic concrete 40mm thick
Kerb & Gutter	Concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

- 39. **The developer is to provide separate water and sewer reticulation services to each allotment within the subdivision.**
- 40. **The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Water Supply Code of Australia.**

***Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).***

41. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Sewerage Code of Australia.

**Note - Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).**

42. Following completion of any civil works required by this consent, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twenty-four (24) month period to ensure that any defects in such works are remedied by the developer.

***Note – The works subject to bonding shall be works outside the property boundary (i.e. verge, footpath and roadworks) and services / infrastructure works that is intended to be dedicated to Council (e.g. sewer and water supply infrastructure).***

***Note - The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.***

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

43. Under the *Environmental Planning & Assessment Act 1979*, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with NSW Land Registry Services.

***Note - The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges and the application is to be made by way of submission via the NSW Planning Portal.***

44. A linen plan is to be submitted to Council for approval and endorsement by the General Manager, or an appropriate delegate, via the NSW Planning Portal.

45. The developer is to ensure that any defects in the works that become apparent within the 24 months following the registration of the Subdivision Certificate with NSW Land and Registry Services, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

**Any unspent bond money will be returned to the developer at the end of the 24-month defects liability period, less the cost of rectification works carried out by Council.**

46. **The final inspection report shall be submitted to Council with the Subdivision Certificate application.**
47. **Three-metre-wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, except for the private services referred to in following conditions 57(f) and 57(h).**
48. **Easements not less than 1 metre wide shall be created over any inter-allotment drainage in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.**
49. **A Section 88B instrument, providing a reciprocal right of carriageway over the access handles for proposed Lots 2, 3 and 4, for the benefit of Lots 2, 3 and 4, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The reciprocal right of carriageway (ROW) is to comply with the following:**
  - a) **The reciprocal right of carriageway is to be in accordance with the approved plan of subdivision.**
  - b) **The location of the reciprocal right of carriageway is to be shown on the linen plans submitted with the application for Subdivision Certificate.**
  - c) **The terms of the reciprocal right of carriageway are to include the following:**
    - (i) **State that both the burdened/ benefitted lots are to pay an equal share of the maintenance costs of any works, including driveway surfacing, within the right of carriageway.**
50. **Prior to the issue of a subdivision certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.**
51. **Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:**
  - a) **PDF; and**
  - b) **Dwg format or "Autocad compatible"**
  - c) **MapInfo tab files with individual layers, supplied in individual tables**

**All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.**

**To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of Subdivision Certificate.**
52. **Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:**
  - a) **A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and**
  - b) **Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include**



confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and

- c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
  - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless area, as opposed to a mapped Fibre to the Node area.
53. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council, prior to the issue of Subdivision Certificate.
- Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance in relation to the Subdivision of the development.*
54. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
55. The owner must dedicate for road purposes, free of cost to Council, a splayed corner at the intersection of the Castlereagh Highway and Lions Drive such that a minimum footway width of 4.5m is maintained at that location. The required widening shall be detailed on the plan of subdivision. This road widening must be represented on the plan submitted for the Subdivision Certificate and registered at the Land and Property Information office.
56. Prior to the issue of a Subdivision Certificate, Council is to be supplied with an instrument containing an appropriate covenant / restriction as to user advising that proposed Lot 1, 2, 3 and 4 have been burdened as follows:
- a) The open channel contained within proposed Lot 1, 2, 3 and 4 must not be altered in any way that may restrict or redirect flows within that channel.
  - b) The maintenance of the channel is the sole responsibility of proposed Lots 1, 2, 3, and 4.
  - c) The channel is to be maintained in perpetuity by the owners proposed of Lots 1, 2, 3, and 4. The channel shall be regularly mown / maintained to ensure flows are not limited by vegetation growth or rubbish build up.
  - d) The channel shall not be filled or blocked by any fencing, retaining wall or structure.
  - e) The channel must not be used for the storage of goods, materials or vehicles.
  - f) The pressure sewer and Line M2 to M3 required to serve proposed Lots 1, 2, 3 and 4 will remain a private service. Council will not accept transfer of this service as an asset, nor will it be responsible for the maintenance thereof.
  - g) The maintenance of the pressure sewer and private sewer line M2 to M3 is the sole responsibility of proposed Lots 1, 2, 3, and 4.
  - h) The water main serving Lots 2, 3 and 4 will remain a private service. Council will not accept transfer of this service as an asset, nor will it be responsible for the maintenance thereof.

- i) The maintenance of the water main serving Lots 2, 3 and 4 is the sole responsibility of proposed Lots 2, 3, and 4.

Mid-Western Regional Council shall be nominated as the Prescribed Authority with the power to release, vary or modify the covenant.

- 57. The developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819, prior to the issue of the Subdivision Certificate.

## **STAGE 2 – BUNNINGS WAREHOUSE, CAR PARKING, LANDSCAPING AND SIGNAGE**

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- 58. Application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. (The application form and further information is available on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)).

The Section 68 application shall be considered and approved by Council prior to the release of a Construction Certificate for the development.

- 59. Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.  
The application shall contain details demonstrating compliance with:
  - a) Council's Access to Properties Policy; and
  - b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the release of the Construction Certificate for the development.

- 60. Prior to the issue of a Construction Certificate, the developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council.

*Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance in relation to the development of Lot 1 for Bunnings Warehouse.*

- 61. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

*Note - The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.*

***Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.***

62. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

***Note – based on the proposed cost of works being \$17,710,000 it is estimated the contribution amount will be \$177,100.00. The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.***

***Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.***

***Note – Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.***

63. Prior to the issue of a Construction Certification, final inspection report/s or written confirmation from the Principal Certifying Authority of the Subdivision Works Certificate is to be submitted to verify that flood mitigation works (comprising the perimeter drainage channel) and regrading of the site approved under the Subdivision Works Certificate have been completed to their satisfaction.
64. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by Council prior to the release of the Construction Certificate. The drainage report and design must be prepared in consultation with Council and comply with the following requirements:
- a) Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a structural design for the proposed wall certified by a suitably qualified professional Engineer.
  - b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
  - c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/100 year event.
  - d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining

property must not occur without the consent of the owner of any affected property.

- e) The design shall provide for inter-allotment drainage to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. The design shall accommodate the provision of 1m wide easements over inter-allotment drainage.
65. A total of 185 spaces (including 4 disabled spaces and 6 car and trailer spaces) are to be provided within the site of the development and comply with *AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking* and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - b) Each disabled car parking space is to be in accordance with the provisions of *AS 2890.6: 2009 – Parking facilities – Part 6: Off-street parking for people with disabilities*;
  - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather concrete or bitumen surface and must be maintained in a satisfactory condition at all times; and
  - d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
66. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard *AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking*. Details of compliance are to be shown on the relevant plans and specifications.
67. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council’s “Access to Properties” Policy.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

68. A 4 metre high acoustic barrier shall be erected in the location indicated in Appendix A of the approved acoustic assessment (identified as *Operational Noise Emission Assessment* (ONEA) prepared by Acoustic Dynamics dated 13 July 2022). The acoustic barrier shall be constructed of material as specified in Section 6.1.3 of the approved acoustic assessment. Details of the acoustic barrier shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.
69. Sound insulation shall be installed in the Goods Inwards space in accordance with the recommendations in Sec 6.1.3 of the approved acoustic assessment (identified as *Operational Noise Emission Assessment* prepared by Acoustic Dynamics dated 13 July 2022). Details of the sound insulation shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.

70. Mechanical plant and associated infrastructure shall be installed in accordance the recommendations in Section 6.1.1 of the approved acoustic assessment (identified as *Operational Noise Emission Assessment* prepared by Acoustic Dynamics dated 13 July 2022). Details of the mechanical plant shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.
71. Prior to issue of any Construction Certificate, the approved site plan showing proposed signage is to be amended to reduce the overall height of the pylon advertising sign to be no greater than 9.0m.

#### **PRIOR TO COMMENCEMENT OF WORKS**

72. Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, an approval in accordance with Section 138 of the *Roads Act 1993* will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The Section 138 application is to be submitted to, and approved by Council, prior to works commencing within the road reserve.
73. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
74. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

#### **PRIOR TO COMMENCEMENT OF WORKS – BUILDING**

75. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

76. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

77. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,

**The sign shall be removed when the erection or demolition of the building has been completed.**

78. **If the work involved in the erection/demolition of the building;**
- a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
  - b) **building involves the enclosure of a public place**

**A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**

79. **The development site is to be managed for the entirety of work in the following manner:**
- a) **Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;**
  - b) **Appropriate dust control measures;**
  - c) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;**
  - d) **Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**

#### **BUILDING CONSTRUCTION**

80. **All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.**
81. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
82. **Construction work noise that is audible at other premises is to be restricted to the following times:**
- **Monday to Saturday - 7.00am to 5.00pm**
- No construction work noise is permitted on Sundays or Public Holidays.**
83. **All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**
84. **This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.**
85. **All building work is to comply with the requirements of the Access to Premises Standard.**

86. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
87. Stormwater drainage is to comply with the *Mid-Western Regional Council Development Control Plan 2013* and the standards referenced in Appendix B and D.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

88. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
89. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
90. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.
91. All road works associated with the upgrade of the Castlereagh Highway intersection under the WAD with TfNSW must be completed prior to the issue of the Occupation Certificate.
92. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.
93. Prior to use of the development and/or issue of an Occupation Certificate, three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed sewerage drainage lines/components located within the subject property, or extended through adjoining private properties as a result of this subdivision. The benefited parties should be those lots immediately up stream of the development and Council.
94. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

95. **Prior to the issue of Occupation Certificate all landscaping in accordance with the approved landscaping plan/s is to be completed.**
96. **Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.**
97. **Prior to the issue of an Occupation Certificate, a Loading Dock Noise Management Plan shall be developed and submitted to Council.**

**The Plan shall include the recommendations in Section 6.1.2 of the approved acoustic assessment (identified as *Operational Noise Emission Assessment (ONEA)* prepared by Acoustic Dynamics dated 13 July 2022) approved for implementation as part of the ongoing operation of the development.**

98. **Trade Waste Application will be required to be submitted and approved for the proposed ancillary cafe prior to operation.**
99. **Prior to operation of the development Council shall carry out an inspection of the café area.**
100. **A Food Business Notification form shall be submitted via Council's website prior to the ancillary café operating.**

#### **GENERAL / ONGOING**

101. **For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.**
102. **Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.**
103. **The hours of operation are limited to the following:**
  - a) **6:00am to 10:00pm, Monday to Friday; and**
  - b) **6:00am to 7:00pm, Saturday, Sunday and Public Holidays; and**
  - c) **No deliveries are to occur outside of these approved hours.**
104. **There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.**
105. **During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.**
106. **All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.**



107. **All loading and unloading in connection with the premises shall be carried out wholly within the site.**
108. **All loading and unloading of vehicles is to be undertaken at the side or rear of the buildings, with the exception of customers loading purchased goods into their own vehicles.**
109. **All car parking areas, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.**
110. **All line-marking for the on-site car parking spaces are to be maintained in a visible condition, at all times.**
111. **Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.**
112. **Landscaping is to be maintained in accordance with the approved landscape plans.**  
**If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.**
113. **All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.**
114. **All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.**
115. **No display or sale of goods is to take place from public areas or footpaths fronting the premises.**
116. **Storage of hazardous substances is to be located within an appropriate storage facility in accordance with the requirements of the relevant Material Safety Data Sheet.**
117. **The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.**
118. **The signage is to be securely affixed and is not to flash, move or be objectionably glaring.**
119. **Any illumination of signage is to comply with the following requirements:**
  - a) **Illumination (including cabling) of signs is to be:**
    - (i) **concealed; or**
    - (ii) **integral with the sign; or**
    - (iii) **internally illuminated; or**
    - (iv) **provided by means of carefully designed and located remote or spot baffled lamps.**

- b) **Lighting must comply with Australian Standard AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting.**
120. The pylon sign must only be illuminated when the premises are in operation and only during operating hours approved under this consent.

#### **ESSENTIAL ENERGY GENERAL NOTES**

1. As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;
2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*;
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995 (NSW)*;
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

#### **COUNCIL ADVISORY NOTES**

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:

A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable);

<b>Stage 1 – Subdivision – 4 lots credit for Lot 2 DP1079362</b>		
	<i>ET/Unit</i>	<i>Value</i>
<b>Water Headworks</b>	<b>2.5</b>	<b>\$24,282.50</b>
<b>Sewer Headworks</b>	<b>2.95</b>	<b>\$13,080.30</b>
<b>Total Headworks</b>		<b>\$37,362.80</b>

<b>Stage 2 – Development of Lot 1 for Bunnings Warehouse (Commercial development floor area 9,200m<sup>2</sup> 0.1ET/100m<sup>2</sup> credit Lot 1)</b>		
	<i>ET/Unit</i>	<i>Value</i>
<b>Water Headworks</b>	<b>8.2</b>	<b>\$79,646.60</b>
<b>Sewer Headworks</b>	<b>8.2</b>	<b>\$36,358.80</b>
<b>Total Headworks</b>		<b>\$116,005.40</b>

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
  - Sewer services will be extended from the main located in Wilkins Crescent rather than Castlereagh Highway.
  - The Traffic Report submitted with the application appropriately addressed the issues raised in relation to traffic issues associated with the development. Upgrades to Lions Drive and Castlereagh Highway have been included as conditions of consent.

### Executive summary

OWNER/S	Sambelle Pty Ltd
APPLICANT:	Bunnings Group Limited
PROPERTY DESCRIPTION	134 Lions Drive BURRUNDULLA NSW 2850
PROPOSED DEVELOPMENT	Demolition, subdivision (1 into 4 lots), development of Lot 1 for retail premises (Bunnings Warehouse) including signage; and associated ancillary works.
ESTIMATED COST OF DEVELOPMENT:	\$17,710,000
REASON FOR REPORTING TO COUNCIL:	Exceeds staff's <i>Delegation of Authority</i> , in that the value of the application exceeds \$2 million.
PUBLIC SUBMISSIONS:	Two (2) submissions received

Council is in receipt of Development Application DA0027/2023 that seeks approval for demolition, subdivision of 1 lot into 4 lots; development of retail premises (Bunnings Warehouse) including signage; and associated ancillary works, located at 134 Lions Drive BURRUNDULLA NSW 2850, Lot 2 DP 1079362, received by Council on 17 July 2022.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 26 August 2022. During the notification period, 2 submission/s were received.

The submissions raised issues around the servicing of the development and impacts on traffic and are further discussed in the body of this report.

The proposed development has been assessed in accordance with Council's Development Control Plan 2013 (DCP 2013) and the MWRLEP 2012. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the value of the application exceeds \$2 million.

The application is recommended for Approval.

## Disclosure of Interest

Nil

## Detailed report

### **SITE DESCRIPTION**

The subject site, located at 134 Lions Drive, Burrundulla is located on the southern corner of Sydney Road (Castlereagh Highway) and Lions Drive at the southern entrance to Mudgee. The site is at the interface of rural zoned land and the urban area containing large format retail outlets and light industries including the existing Bunnings site on the opposite side of Castlereagh Highway and bulky goods retailers (including Homemakers) and self-storage units located on the opposite side of Lions Drive. The property to the south of the subject site is rural in nature, containing an existing dwelling on its southern side.

The site is legally identified as Lot 2 on DP 1079362 and is irregular in shape and approximately 54,377m<sup>2</sup> in size. The site contains a house, sheds, yards and landscaped garden with the remainder of the land historically used as grazing paddock. A dam is located on the south east corner of the site.

Figure 1 shows an aerial image of the subject site and its immediate surrounding area.



Figure 1: Aerial Image of site and surrounds

### **PROPOSED DEVELOPMENT**

It is proposed to subdivide the land into four lots, the proposed lots will have the following areas:

- Lot 1 30,225m<sup>2</sup>
- Lot 2 8189m<sup>2</sup>

- Lot 3 7684m<sup>2</sup>
- Lot 4 7575m<sup>2</sup>

Proposed Lot 1 will contain the new Bunnings Warehouse, while all other lots will be vacant. Lots 2 to 3 will be accessed via shared right of carriageway from Lions Drive.

The new Bunnings Warehouse to be developed on Lot 1, will have a retail floor area of approximately 9,200m<sup>2</sup> consisting of the following elements:

- main warehouse retail area of 5,282.84m<sup>2</sup>,
- bagged goods canopy of 1,115.80m<sup>2</sup>,
- outdoor nursery of 750m<sup>2</sup>,
- timber trade sales area of 2,000m<sup>2</sup>,
- building Materials Landscape Yard of 786m<sup>2</sup>,
- goods inwards area of 91.73m<sup>2</sup>, cafe & kids playground.

The external materials proposed for each façade will be typical of the Bunnings corporate colours identifying the business and logo. A new 12m high Pylon Sign is also proposed within the car parking area.

A car park consisting of 185 car parking spaces including 4 disabled spaces and 6 trailer parking bays will be provided to the front of the warehouse building and will be accessed from two points on Lions Drive. A delivery service road from Lions Drive with loading/unloading facilities to the rear of the warehouse building will also be provided. An acoustic wall is proposed to be provided adjacent to the loading / unloading area to minimize noise impacts to the adjoining dwelling. No accesses are proposed to be provided directly to/from Castlereagh Highway. Upgrades are proposed to Lions Drive and Castlereagh Highway in order to facilitate the development.

Proposed trading hours are proposed to be:

- Monday to Fridays 6.00am to 10.00pm
- Saturday, Sunday & Public Holidays 6:00 am to 7:00 pm

Works also include site preparation works, consisting of tree removal, site clearing and demolition of the existing dwelling and outbuildings. Bulk earthworks, servicing, stormwater and flood mitigation works. Extensive landscaping through the open areas of the site including within the front setback. Tanks are proposed to be provided to capture rainwater for irrigation and reuse in toilets and other non-potable purposes.

An extract of the proposed site plan is provided in Figure 2, a full set of the proposed development plans are available in Attachment 1 and the overall Landscape plan is in Attachment 2.



Figure 2: Extract from proposed site plan

## BACKGROUND

The site was the subject of a recent amendment to the Mid-Western LEP 2012 which resulted in the rezoning of the site from RU4 Primary Production Small Lots to B5 Business Development. The amendment also resulted in the inclusion of Clause 6.15 – ‘Development at 134 Lions Drive, Burrundulla’ under the Mid-Western Regional LEP which relates specifically to the subject site. The objectives of this clause are to ensure the site is appropriately landscaped in the context of the site sitting at the Gateway of Mudgee Town and to ensure development of the site does not adversely impact view corridors and the character of Mudgee. The amendment was published on 6 May 2022.

On 26 April 2023 new Employment Zones commenced within the Mid-Western Regional Council replacing business and industrial zones as per amendments carried out by the Department of Planning. Relevant to this application, the zoning of B5 Business Development applicable to the subject site was changed to E3 Productivity Support.

## ASSESSMENT

### LEGISLATIVE REQUIREMENTS

#### Biodiversity Conservation Act 2016 (BC Act)

The development triggers the Biodiversity Offset Scheme pursuant to Part 7 of the BC Act as:

- The site contains an area mapped on the Biodiversity Values Map as important habitat for a threatened species (shown in Figure 3), this coincides with mapping for Important Habitat for *Anthochaera phrgia* (Regent Honeyeater); and
- the extent of clearing of remnant native vegetation is 0.44ha which is above the area clearing threshold of 0.25ha.

Accordingly, a Biodiversity Development Assessment Report (BDAR) was submitted with the application which assessed the impact of the proposal on biodiversity values according to the NSW Biodiversity Assessment Method (BAM) in accordance with the Biodiversity Conservation Act 2016 (BC Act).

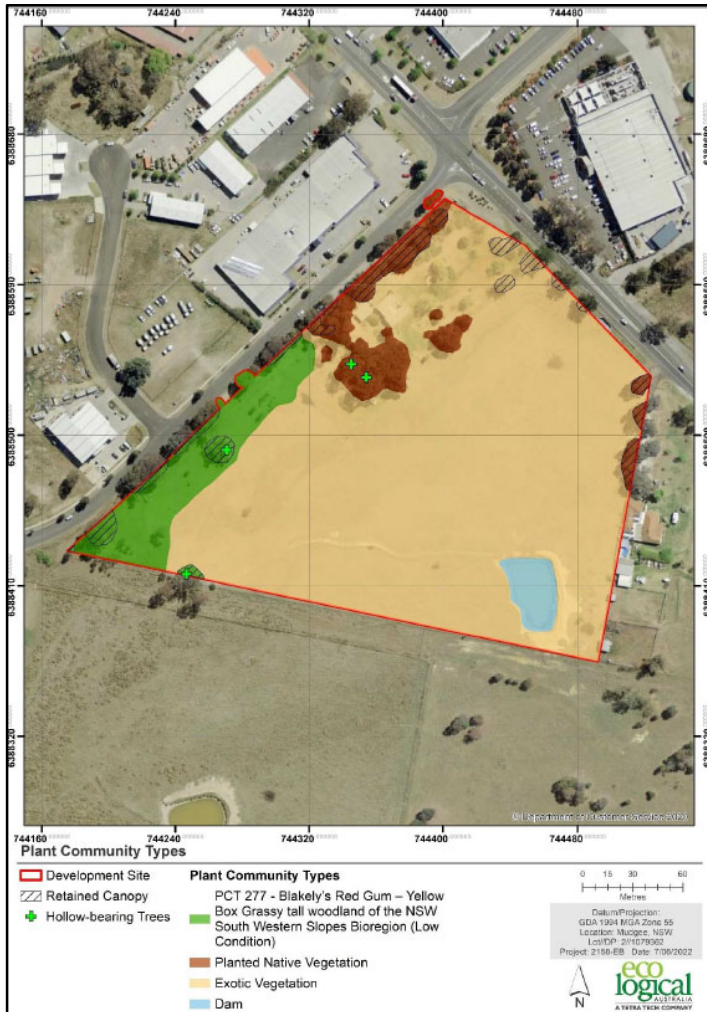


Figure 3: Biodiversity Values Map

The BDAR, prepared by EcoLogical identified the following vegetation to be removed as follows and shown in Figure 4:

- Approximately 4.3ha of exotic vegetation reflecting past use of the land for grazing. No offsets are required for this removal.
- 0.44ha of PCT 277 - *Blakely's Red Gum – Yellow Gum tall woodland of the NSW South Western Slopes Bioregion* located in the south western corner of the development site. This vegetation is considered to be in low condition due to its degraded state. Some existing trees will be retained where possible (as shown in Figure 4). A total of 6 ecosystem credits are required to be retired to offset the removal of the 0.44ha of PCT 277, suitable conditions have been included.
- 0.23ha of planted native vegetation located in the vicinity of the existing house, shed and yards will be removed. Mapped Important Area for Regent Honeyeaters overlays the planted vegetation, the BDAR notes that much of the mapped area is exotic and provides little value in terms of foraging requirements for Regent Honeyeater. It was identified that only 0.05 ha of native vegetation was considered to provide potential foraging habitat. The BDAR identified that the Regent Honeyeater has never been recorded on site, however, the majority of the feed trees will be retained. The removal of six feed trees will be offset with approximately 100 feed trees to be planted within the site. It is noted that no ecosystem and species credits were identified as being required under the BDAR.





### Environmental Planning and Assessment Act 1979 (EP&A Act)

#### Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs).

#### Integrated Development

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### **SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL**

The application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows:

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**  
*Chapter 4 Koala Habitat Protection 2021*

Chapter 4 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity SEPP) applies to the proposal as the development site is greater than 1 hectare and Mid-Western Regional Council is listed within Schedule 2 of the Biodiversity SEPP. The subject land is not identified as potential or core koala habitat and no koala plan of management exists for the area.

The Biodiversity Development Assessment Report (BDAR) prepared by EcoLogical and submitted with the application found that the impact area was not determined to be either potential or core Koala habitat in accordance with the SEPP due to the identification of only twelve individual feed trees (*Eucalyptus blakelyi*, *E. melliodora*, *E. camaldulensis*) and the development site being part of a non-contiguous patch. The report also identified that there are three historical records of Koalas observed within a 10 km radius of the development site (DPI 2020) with the most recent being 2006 within vegetation along the Cudgegong River approximately 2 km from the development site. There are no records of Koalas being recorded within the development footprint.

Given the above, it is not considered that the development is likely to have a high level of impact on koalas or koala habitat.

**State Environmental Planning Policy (Industry and Employment) 2021**  
*Chapter 3 Advertising and signage*

The proposal includes the provision of business identification signage as follows:

- Wall signage on all elevations of the building
- A 12m high pylon sign (as shown in Figure 5)



Figure 5: Extracts from proposed site plan showing proposed pylon sign and location within the site.

In accordance with Clause 3.6 of the all advertising is to satisfy the assessment criteria specified in Schedule 5. The proposed signage is considered acceptable, assessment against Schedule 5 is as follows:

SCHEDULE 5 REQUIREMENT	COMMENT
<p><b>1 Character of the area</b></p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>The proposed pylon sign, at 12m is taller than similar signage in the surrounding area which generally has a maximum height of 7m. A condition of approval will require the sign to be reduced to 9m which will be similar in to the proposed Bunnings building and will be generally consistent with the commercial / industrial character of the surrounding area on the north and west side of the development. Whilst this sign will be higher than other signage this is considered appropriate given the sign will be located within the car park area and well set back from the boundaries. It will serve to provide business identification and public wayfinding.</p>
<p><b>2 Special areas</b></p> <ul style="list-style-type: none"> <li>• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	<p>The proposed signs are within a commercial area and appropriately located within the site so that they will not detract from the amenity of visual quality of any special areas.</p>
<p><b>3 Views and vistas</b></p> <ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> <li>• Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>• Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>The proposed signs will not impact on views or vistas in the vicinity of the site. The pylon sign is appropriately positioned within the site to not impact on views or vistas.</p>
<p><b>4 Streetscape, setting or landscape</b></p> <ul style="list-style-type: none"> <li>• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>• Does the proposal screen unsightliness?</li> <li>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>• Does the proposal require ongoing vegetation management?</li> </ul>	<p>The scale, proportion and form of the proposed signage is appropriate to the proposed buildings within the site. The proposed pylon sign will be reduced to 9m as a condition of consent which is in context with the proposed Bunnings building as well as the proposed / existing landscaping within the curtilage of the site including large eucalyptus trees.</p>

<p><b>5 Site and building</b></p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>• Does the proposal respect important features of the site or building, or both?</li> <li>• Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<p>The proposed pylon sign is compatible in scale and proportion to the proposed Bunnings building and the proposed landscaping and will be well set back within the site.</p>
<p><b>6 Associated devices and logos with advertisements and advertising structures</b></p> <ul style="list-style-type: none"> <li>• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	<p>The pylon sign will be required to meet the relevant building standards.</p>
<p><b>7 Illumination</b></p> <ul style="list-style-type: none"> <li>• Would illumination result in unacceptable glare?</li> <li>• Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>• Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>• Can the intensity of the illumination be adjusted, if necessary?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	<p>The Pylon sign will be illuminated but only during operation of the store. A suitable condition will be included.</p> <p>The illumination of the signs will not project into adjoining properties or cause a safety issue to road users.</p>
<p><b>8 Safety</b></p> <ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<p>The proposed signs will not reduce the safety for vehicles, pedestrians or bicyclists and does not obscure views along the road, footpath or to any public area or safety zone.</p>

**State Environmental Planning Policy (Planning Systems) 2021**

*Chapter 2 State and regional development*

Pursuant to Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), development that has a Capital Investment Value of more than \$30 million is deemed “Regionally Significant Development”. The proposed development has a CIV of \$17,710,000 and is therefore identified to be Local Development. Accordingly, the proposed development is not identified as State or Regionally Significant Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Resilience and Hazards) 2021

#### *Chapter 4: Remediation of Land*

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation report prepared by Valley Civilab Geotechnical & Environmental Services and dated 2/08/2019 and provided with the application. The report undertook a detailed desktop review and limited soil sampling to supplement the desktop assessment. Historical use of the site was limited to a dwelling and vacant / grassland. The key findings of the report were:

- 1) Potential contamination sources at the site are limited based on historical land use;
- 2) Visible signs of gross contamination were not observed during the site inspection and intrusive works;
- 3) Contamination in shallow soils was not identified at any of the sampling locations.

The report concludes that there is no indication of contamination which would constrain the development of the site for the proposed commercial use.

#### **State Environmental Planning Policy (Transport And Infrastructure) 2021**

##### *Chapter 2: Infrastructure*

##### *Division 5 Electricity transmission or distribution*

##### *Section 2.48 Determination of development applications—other development*

The proposed site accesses are to be constructed within 5 metres of existing overhead electricity lines. Pursuant to Section 2.48(2) the application has been referred to the electricity supply authority for the area, Essential Energy for comment about potential safety risks. Essential Energy responded, making no comments as to potential safety risks arising from the proposed development. Essential Energy provided general comments in relation to the application which will be included as notations on any approval.

##### *Chapter 2: Infrastructure*

##### *Division 17 Roads and road infrastructure facilities*

##### *Section 2.119 Development with frontage to classified road*

##### *Section 2.122 Traffic generating development*

The development has frontage to a classified road and accordingly the requirements of Section 2.119 "Development with frontage to classified road" apply. The development is also classified as "Traffic generating development" under the provisions of Section 2.122 as the Proposal is a commercial development that exceeds 2,500m<sup>2</sup> and is within 90m of a classified road.

A Traffic and Parking Assessment was submitted with the application and considers the potential traffic safety, road congestion and parking implications of the development. Upgrades are proposed to be undertaken on the intersection of Castlereagh Highway and Lions Drive.

The application was referred to Transport for NSW. TfNSW initially requested further justification in relation to the analysis provided in the Traffic Assessment as well as some minor changes to the proposed upgrade to the intersection. The additional information has been provided and TfNSW has agreed in principle to the intersection upgrades which consist of the following:

- Provision of a separate left turn lane on the Lions Drive approach
- Extended right turn lane for the turn into Lions Drive

- Provision for semi-trailers to access Lions Drive satisfactorily.

Conditions in relation to the above and as recommended by TfNSW have been included in the recommended conditions.

### **Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)**

The following clauses of Mid-Western Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

#### **Clause 1.2 Aims of Plan**

The application is not contrary to the relevant aims and objectives of the plan.

#### **Clause 1.4 Definitions**

The proposal is defined in accordance with the MWRLEP 2012 as a:

***hardware and building supplies*** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

***garden centre*** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

***Signage*** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) An advertising structure
- b) A building identification sign
- c) A business identification sign

but does not include traffic signs or traffic control facilities.

#### **Clause 2.2 Zoning of Land to Which Plan Applies**

The land is zoned E3 Productivity Support and is therefore subject to the Plan.

#### **Clause 2.3 Zone objectives and Land Use table**

The land is zoned E3 Productivity Support pursuant to MWRLEP 2012. The proposal, being a *hardware and building supplies* and *garden centre* is permissible with consent in the zone and complies with the relevant objectives.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

#### **Zone E3 Productivity Support**

1. *To provide a range of facilities and services, light industries, warehouses and offices.*

**Comment** The proposal is for a permissible use in the zone.

- 2. To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*

**Comment** The proposed use is compatible with but will not compete with smaller scale land uses in the Mudgee commercial centre.

- 3. To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*

**Comment** The use is not considered to be a retail or commercial activity which will adversely impact on the economic viability of the Mudgee commercial centre.

- 4. To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*

**Comment** Due to the large scale retail nature of the land use, the use is not considered to be suited to other employment zones within Mudgee.

- 5. To provide opportunities for new and emerging light industries.*

**Comment** The proposed subdivision will provide opportunity for the development of new and emerging industries.

- 6. To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*

**Comment** The proposed use will provide facilities and services to meet the day to day needs of workers, which are large in size, weight and quantities.

- 7. To promote a visually attractive entry point into Mudgee from the south east.*

**Comment** The proposal provides elements in the design that assist in creating a visually attractive entry to Mudgee including landscaping, compliant setbacks, appropriate use of building materials and the like. The proposal provides elements in the design that assist in creating a visually attractive entry to Mudgee including landscaping, compliant setbacks, appropriate use of building materials and the like.

- 8. To enable development that does not undermine the primary retail role of the Mudgee commercial core area.*

**Comment** The proposal involves a use that is not desirable in the downtown commercial core of Mudgee.

### **Clause 2.6 Subdivision – consent requirements**

As the proposal involves subdivision this will also require development consent as discussed throughout the report.

### **Clause 2.7 Demolition requires development consent**

In satisfaction of this clause, the development application seeks approval for the demolition of an existing dwelling and associated outbuildings.

#### **Clause 4.1 Minimum subdivision lot size**

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with all the relevant planning controls.

The proposed lots will have the following lot sizes:

Lot 1: 3.02 ha

Lot 2: 8189 m<sup>2</sup>

Lot 3: 7684 m<sup>2</sup>

Lot 4: 7575 m<sup>2</sup>.

The minimum lot size pursuant to the mapping is 2000m<sup>2</sup>. Accordingly, the proposal complies with the development standard.

#### **Clause 4.3 Height of buildings**

The subject site is not mapped for a maximum height limit.

#### **Clause 5.4 Controls relating to miscellaneous permissible uses**

The proposal does not include any of the listed uses contained under this clause.

#### **Clause 5.10 Heritage Conservation**

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, a condition will be placed upon the consent ensuring that work is ceased should an item be discovered during construction.

#### **Clause 5.21 Flood planning**

According to Mudgee Flood Study 2021, the site is affected by overland flooding during the 1% AEP flood as shown in Figure 6 below. Accordingly, the development is to satisfy the provisions of Clause 5.21.



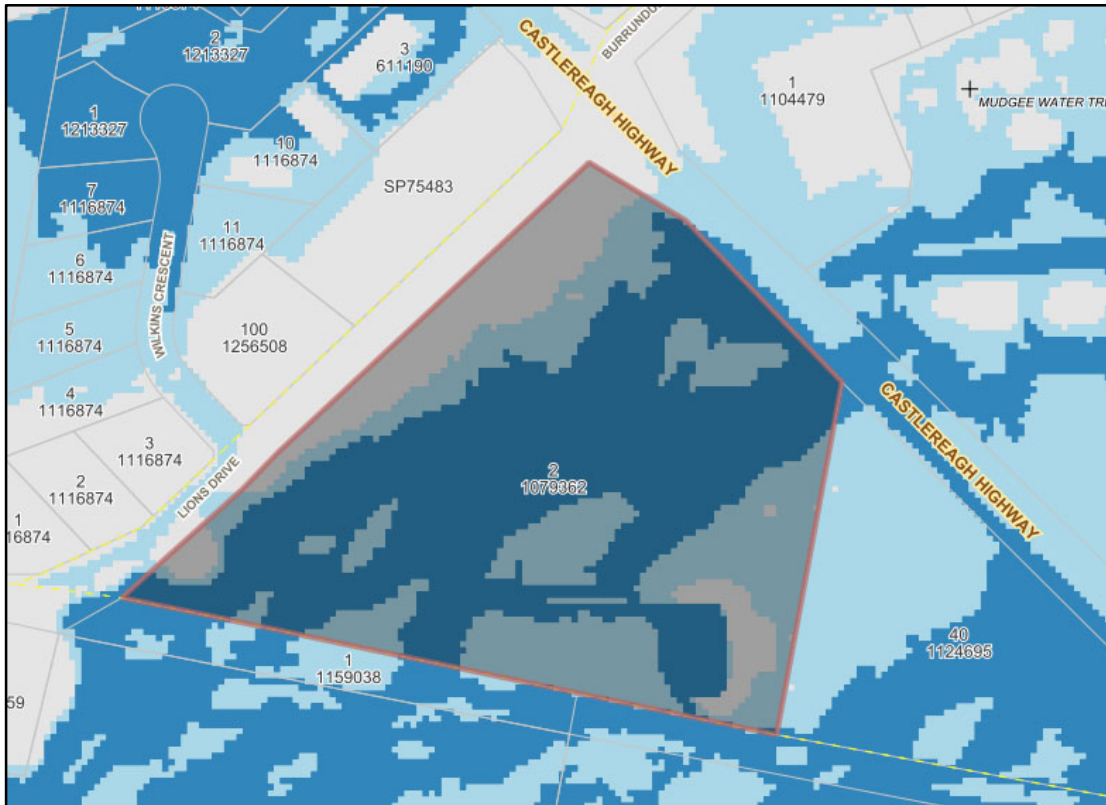


Figure 6: Extract from Mudgee Flood Study 2021

The applicant has provided a Flood Impact Assessment prepared by WMA Water in support of the proposal. In order to manage flood flows and allow the development of the site, the applicant has proposed to construct a drainage channel along the southern and eastern boundaries of the site to capture and convey flood flows to the culverts under the Castlereagh Highway. The channel is 12 metres wide with a depth of 1 metre and will be located within the 4 proposed lots with the maintenance of the channel the responsibility of the individual landowners.

The Flood Impact Assessment undertook post-development modelling of the channel and developed site and this showed that the upstream catchment will be contained within the proposed drainage channel and the majority of the site being flood free (refer Figure 7 for details). In addition, it was identified that flows across the adjoining property to the east are reduced by up to 0.1 metres and the previous shallow inundation (50mm) of the highway that previously occurred has been removed.

The flows under the proposed scenario do see an increase in flood level of 0.05 metres in the channel immediately downstream of the Castlereagh Highway and an increase of 0.21 metres in the wastewater treatment ponds. The Flood Impact Assessment has been reviewed by Council's Development Engineers who have raised no issues with this.



Figure 7: Extract from WM Water Flood Assessment showing modelling of peak flood depth in 1%AEP event post development

An assessment against the requirements of Clause 5.21 (2) is as follows:

(a) *The development is compatible with the flood hazard of the land, and*

**Comment** Following proposed works to manage flood flows through the construction of a drainage channels, the majority of the site will no longer be inundated in the 1% AEP event, and accordingly the post development scenario is considered to be compatible with the flood hazard of the land.

(b) *The development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

**Comment** As set out above, the proposed drainage channels will reduce flows across the adjoining property to the east and remove the shallow inundation of the Castlereagh Highway having a positive change to flood behaviour. The small increase in flood level in downstream channels and wastewater treatment ponds is considered acceptable.

(c) *The development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

**Comment** Following development of the proposed drainage channel, the proposed building will not be inundated in the 1% AEP event and therefore no flood hazard exists at the building, or car parking areas. In addition, a number of surrounding roads remain flood free allowing for efficient evacuation during a flood event.

(d) *The development incorporates appropriate measures to manage risk to life from flood, and*

**Comment** Proposed flood mitigation works are considered appropriate to manage the flood risk to the development.

(e) *The development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

**Comment** The proposed drainage channel will manage flow entering the site. The channel has been appropriately designed to minimise potential erosion. The report notes that whilst there is a very minor increase in flood levels and velocity in the downstream channel this is unlikely to result in reduced bank stability.

An assessment against the requirements of Clause 5.21 (3) is as follows:

(b) *the impact of the development on projected changes to flood behaviour as a result of climate change,*

**Comment** The report submitted by WMA Water notes that the scale of existing flood behaviour across the site is relatively small, with only 0.3m between a 5% AEP and the PMF events. Further stating that this coupled with the very minor change in flood levels beyond the development site in the 1% AEP event, indicate that the impacts of the development are unlikely to be greater under a future climate scenario.

(b) *the intended design and scale of buildings resulting from the development,*

(c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

(d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

**Comment** Under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event and therefore no flood hazard exists at the building, or car parking areas. In addition, a number of surrounding roads remain flood free allowing for efficient evacuation.

### **Clause 6.1 Salinity**

The extent of earthworks is not expected to significantly affect the process of salinisation.

### **Clause 6.3 Earthworks**

The proposal involves bulk earthworks to prepare the site for the development. The works are not expected to generate any significant impacts as listed in Clause 6.3(3). Conditions of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

### **Clause 6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council's mapping.

No significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

The applicant has noted that while liquids and chemicals will be sold through the store, these materials will be located within the store itself, on a concrete slab, or within bunded areas. Consequently, there is no likelihood of groundwater contamination from the development.

#### **Clause 6.5 Terrestrial biodiversity**

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

#### **Clause 6.7 Active street frontages**

Not applicable. The site is not located within the area mapped as 'Active street frontage'.

#### **Clause 6.8 Airspace operations – Mudgee Airport**

The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

#### **Clause 6.9 Essential Services**

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development as follows:

- Water is available via existing 100mm water main in Lions Drive, capable of servicing the Bunnings development and subdivision. It is noted that in addition to reticulated water services, the Bunnings development will have an onsite static supply for fire fighting purposes, including a booster pump and recycled water tank for watering of the nursery.
- Electricity infrastructure is available in the vicinity of the site, and will be required to be connected to the development in accordance with the requirements of Essential Energy.
- Sewer servicing plan provided, reticulated sewer services will be extended to the development from Wilkins Crescent and will be extended to the development. It is proposed to provide a gravity manhole on the Bunnings lot then a pressure connection to the Bunnings site. Lot 2 will be able to drain to the sewer via gravity however Lot 3 and 4 will have the same system as the Bunnings lot. Suitable conditions have been included.
- Suitable stormwater drainage and on-site conservation is proposed. The additional stormwater runoff generated by the proposed development is collected, conveyed and contained within a number of areas on site. Including via the 12 metre wide grass lined channel on the sites southern and eastern boundary; a detention basin on the Castlereagh Highway frontage; above ground detention storage in the car park; and 30,000 litre tank to store rainwater from roof areas for re-use on site.
- Suitable road access is provided to the development from Lions Drive. Upgrades to Lions Drive and Castlereagh Highway will be undertaken to ensure the suitability of access to the development as discussed throughout this report.

#### **Clause 6.10 Visually sensitive land near Mudgee**

The land is not located within the area identified within the visually sensitive land map.

**Clause 6.15 Development at 134 Lions Drive, Burrundulla**

This clause is specific to the subject site and was included as part of the rezoning of the land. The objectives of this clause are—

- (a) to provide for landscaped areas on the land, and
- (b) to ensure development on the land does not detrimentally impact on view corridors.

The clause requires that development consent must not be granted to development on the land unless the consent authority is satisfied that –

- (a) *buildings above ground level (existing) on the land will have a setback of at least 25m from the boundary of the land with the Castlereagh Highway, and*

**Comment** The proposed Bunnings building and associated car park is not located within the front 25m setback from Castlereagh Highway as shown on the site plan.

- (b) *there will be no signage on the land within 25m of the boundary of the land with the Castlereagh Highway, and*

**Comment** New signage on the walls of the building and the pylon sign will not be located within the 25m setback from the Castlereagh frontage.

- (c) *the development will not detrimentally impact on view corridors.*

**Comment** Given the setback of the development from the Castlereagh frontage and the proposed landscaping, it is not considered that the development will detrimentally impact view corridors.

**4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES**

- (ii) *Draft environmental planning instruments (EPI)*

No draft environmental planning instruments apply to the land to which the Development Application relates.

- (iii) *Any development control plans*

**Mid-Western Regional Development Control Plan 2013 (DCP)**

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

**Part 4.4 Signs**

<b>BUSINESS AREAS</b>	
<b>REQUIREMENT</b>	<b>COMMENT</b>
(a) Generally, a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.	Complies – signage will be less than 25% of the frontage.

<p>(b) Under-awning/verandah signs must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning/verandah.</p>	<p>Not applicable – no under-awning / verandah signs proposed.</p>
<p>(c) Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs are not permitted in both Mudgee and Gulgong business areas.</p>	<p>Complies - The proposed pylon sign will be the only pylon sign associated with the site / development.</p>
<p>(d) Wall signs should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powder coated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances, it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.</p>	<p>Complies – wall signs will be painted directly onto the building wall facades.</p>

**Part 4.5 Commercial Development**

REQUIREMENT	COMMENT
<i>Building setbacks</i>	
Building setback from the street – no minimum	Complies - Building is set back in excess of 25 metres.
Side and rear setbacks must comply with BCA	Complies - The proposed building will have side and rear setbacks in excess of 12m, in compliance with the Building Code of Australia (BCA)
<i>Signage</i>	
Signage complies with relevant provisions in section 4.4 DCP 2013	Complies - refer to relevant section of report.
<i>Design</i>	
Buildings interact with the street	Complies - windows and doors are incorporated into the front façade of the building.
On active street frontages, ground level of building used for business or retail premises	Not applicable
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Complies - building facades are articulated with varied colours and materials.
Heritage inclusions	Not applicable

REQUIREMENT	COMMENT
External plant to be screened from public	Complies - condition of consent to be included
Development on a corner – includes architectural features to address both streets	Not applicable - the development has been suitably set back from the corner.
Landscape buffers to other zones	Complies – landscape buffer proposed to boundaries
<b>Scale form and height</b>	
Complies with LEP height controls – 8.5m maximum height	Not applicable – no LEP height limit affecting the site.
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Not applicable – the site is not located within the heritage conservation area.
<b>Mortimer and Church Street, Mudgee</b>	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable
Provides variance particularly on upper floor levels, every 20-25m	Not applicable
<b>Articulation and Façade Composition</b>	
Breaks visual bulk with fenestration or change in materials etc	Complies - extensive fenestration provided
No excessive blank walls in front façade	Complies
Where blank walls are proposed (side or rear), minimise impacts with landscaping, patterning of façade, signage, public art	Extensive blank walls are avoided, landscaping proposed within side and rear setbacks.
<b>Residential–Commercial interface</b>	
Landscape buffer to residential boundaries	Landscaping buffer provided to adjoining dwelling to the south as shown on landscaping plans
Ground and first floor do not overlook residential properties	Yes
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	A new 4m acoustic fence is proposed adjacent to the adjoining residence in accordance with the Acoustic assessment provided with the application.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Yes. Sufficient separation to the adjacent residence.
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	The proposed development will not reduce sunlight available to adjoining sites.
<b>Utilities and Services</b>	
Building and structures located clear of infrastructure	Yes
Able to be serviced by water, sewer and waste disposal	Yes
Trade waste application required?	Not applicable - Café within Bunnings will contain pre-

REQUIREMENT	COMMENT
	packaged foods and drinks only with no food being prepared onsite. The installation of a grease arrestor / mechanical exhaust is not required.
<i>Traffic and Access</i>	
All vehicles must be able to enter and exit the site in a forward direction	Yes
All vehicle movement paths are sealed	Yes. Condition
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes
All loading facilities located within the site	Yes – loading facilities located to the rear of the proposed building.
All loading facilities designed to comply with Australian Standards	Yes
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes. Application was accompanied by a traffic report that suitably addressed traffic flow and safety issues as discussed throughout this report.
<i>Pedestrian Access</i>	
Maintain existing covered pedestrian access within town centres	Not applicable – site is not located within the town centre.
Convenient and safe access through parking areas	Safe access through parking areas provided by pedestrian paths.
Convenient and safe disabled access through parking areas, focus on improving links with existing retail.	Accessible car parking spaces located adjacent to store entry.
<i>Parking</i>	
Discussed elsewhere in report	Yes – sufficient car parking provided.
<i>Landscaping</i>	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Suitable landscaping has been provided including buffer to the adjoining dwelling to the south.
Landscaping to comprise low maintenance, drought and frost resistant species	Yes. Condition of consent

#### Part 4.7 Tree Preservation Order

No trees listed in the Tree Preservation Order are proposed to be removed. Vegetation is proposed to be removed as part of the proposal which has been addressed throughout this report.

#### Part 5.1 Car Parking

In accordance with Council's DCP, Section 5.1 – Car Parking, 1 space per 50m<sup>2</sup> of GFA is required for bulky goods retailing, rural supplies, hardware and building supplies.

Based on a GFA of 9,200m<sup>2</sup>, a total of 184 car parking spaces are required. The plans provided details the provision of 185 car parking spaces. Four accessible car parking spaces and 6 trailer bays are also provided within the total of 185 spaces. Disabled spaces are considered to be appropriately located with respect to the building entrances and exits.



Pedestrian access and linkage from Lions Drive are provided through the car parking area to the main building entrance. The rear loading bay provides parking for 2 delivery vehicles to load / unload as well as enter and exit the site in a forward direction.

Parking and circulation appear compliant with AS 2890; however, a condition will be included requiring the certification of the car parking design / layout prior to the issue of the Construction Certificate.

### **Part 5.2 Flooding**

As discussed previously in this report, the site is affected by 1% AEP flood event under the Mudgee Flood Study 2021. It is proposed to undertake flood mitigation works including the construction of a channel along the south and east boundaries. This will result in a positive effect with the majority of the site being flood free. The proposed development is considered to meet the requirements of this Part as set out in the accompanying report provided by WMA Water.

### **Part 5.3 Stormwater Management**

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater advising that the additional stormwater runoff generated by the proposed development is collected, conveyed and contained within a number of areas on site including via a detention basin on the Castlereagh Highway frontage and via storage in the car park. The conceptual drainage and OSD scheme are considered acceptable for DA purposes, full details will be required with the SWC or CC relevant to that portion of works.

### **Part 5.4 Environmental Controls**

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

### **CONTRIBUTIONS**

- Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is commercial and has a proposed cost greater than \$200,000 therefore a levy of 1% applies and is payable to Council which requires the payment of a contributions in accordance with the plan as follows:

*1% of \$17,710,000 is \$177,100*

An appropriate condition has been imposed requiring payment of the contribution.

- Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges calculated as follows:

#### **Stage 1 - Subdivision**

##### Water Headworks

4 x Vacant Lot – Future use unknown – 1.0ET/unit = 4.0 ET/unit  
Less credit Lot 2 DP1079362 @ 1.5 ET/unit

= 2.5 ET/unit @ \$9,713.00 per ET/unit

**= \$24,282.50**

Sewer Headworks

4 x Vacant Lot – Future use unknown – 1.0 ET/unit = 4.0 ET/unit  
Less credit Lot 2 DP1079362 @ 1.05 ET/unit

= 2.95 ET/unit @ \$4,434 per ET/unit  
= **\$13,080.30**

**Stage 2 – Development of Bunnings Warehouse**

Water Headworks

Commercial development floor area 9,200m<sup>2</sup> @ 0.1ET/100m<sup>2</sup> = 9.2 ET/unit  
Less credit for Lot 1 (from Stage 1) @ 1.0 ET/unit

= 8.2 ET/unit @ \$9,713.00 per ET/unit  
= **\$79,646.60**

Sewer Headworks

Commercial development floor area 9,200m<sup>2</sup> @ 0.1 ET/100m<sup>2</sup> = 9.2 ET/unit  
Less credit for Lot 1 (from Stage 1) @ 1.0 ET/unit

= 8.2 ET/unit @ \$4,434 per ET/unit  
= **\$40,792.00**

A condition has been imposed accordingly.

4.15(1)(a) PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT – (1)(a)(iii)

No Planning Agreements are applicable.

4.15(1)(a)(iv) REGULATIONS

**Environmental Planning and Assessment Regulation 2021**

*Clause 61 – Additional matters that consent authority must consider*

Clause 61(1) requires Council to consider Australian Standard AS2601-2001: *The Demolition of Structures* when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 has been included as a condition of consent.

LIKELY IMPACTS OF THE DEVELOPMENT – 4.15(1)(b)

**Context and Setting**

The proposed development is located at the entrance to Mudgee at the interface of the rural landscape and commercial/industrial developments. The development has been appropriated setback from the frontage incorporating landscaping to contribute towards creating an attractive entry point into Mudgee.

**Access, Transport and Traffic**

The application was accompanied by a Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates (TTPA) and assessed the potential traffic implications of the development, the adequacy of parking provision and the adequacy of access, internal circulation and servicing arrangements.

### Traffic implications

A Traffic Assessment was undertaken, considering existing traffic counts and traffic generation of the proposed development, modelling the projected 2032 outcome.

Projected 2032 outcome indicated that the right turn movements into and left turn out of Lions Drive become significant during peak conditions. There is only a single approach lane in Lions Drive at present and it is apparent that it is not possible for semi-trailers to satisfactorily access into or out of Lions Drive at intersection under the present geometrical constraints. Accordingly, roadworks are proposed to be undertaken as follows and detailed in Figure 8 below:

- Provision of a separate left turn lane on the Lions Drive approach
- Extended right turn lane for the turn into Lions Drive
- Provision for semi-trailers to access Lions Drive satisfactorily.

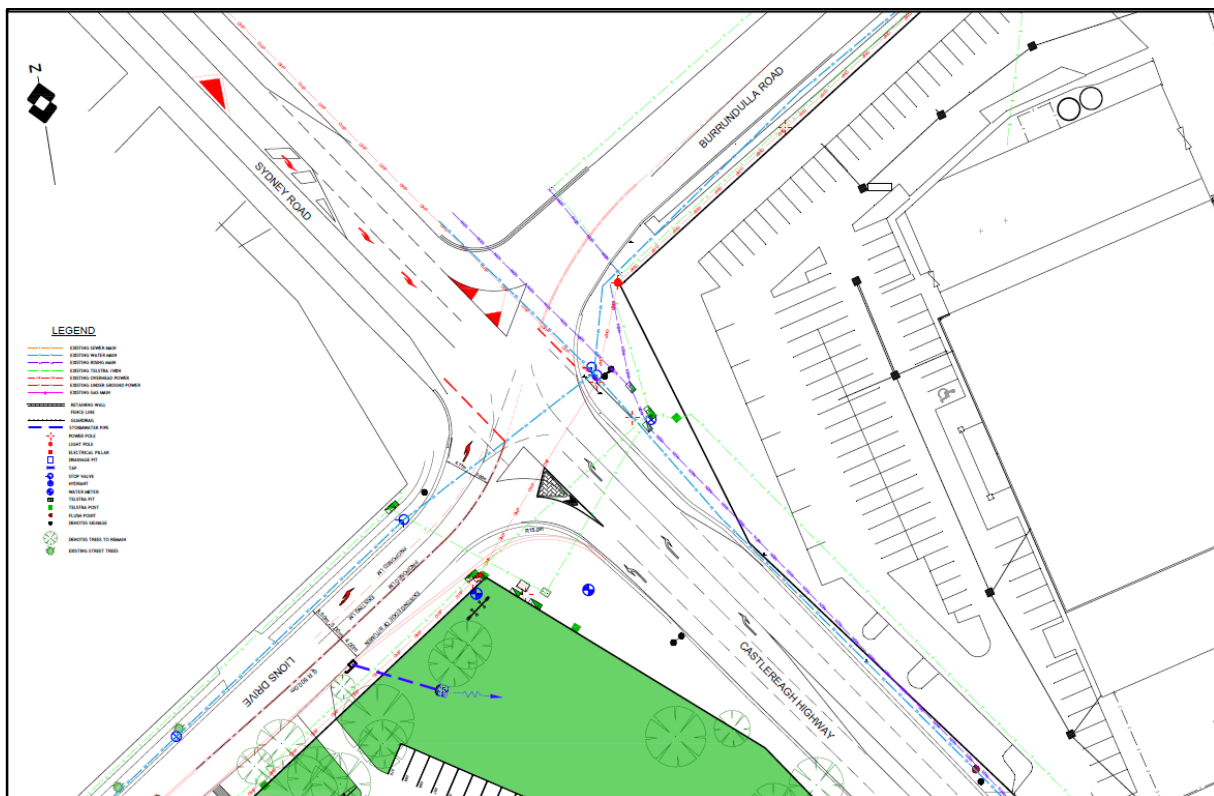


Figure 8: Extract from Civil Plans showing proposed upgrades to intersection of Castlereagh Highway and Lions Drive.

### Parking Provision

Sufficient parking spaces is proposed to be provided in accordance with Council's Development Control Plan at a rate of 1 space per 50m<sup>2</sup> of GFA, generating a requirement of 184 parking space based on a 9203m<sup>2</sup> floorspace. It is proposed to provide a total of 185 parking spaces which meets the DCP requirements.

### Access arrangements and internal circulation and servicing arrangements

All vehicular access to the development is proposed via Lions Drive. Satisfactory vehicular access arrangements are proposed as follows:

- An ingress only driveway providing access to the car parking associated with Bunnings
- A combined ingress/egress driveway providing access to the car park associated with Bunnings.
- A Combined ingress/egress service driveway providing access to the rear of the Bunnings building and loading / unloading facilities associated with Bunnings
- A combined ingress/egress driveway on Lions Drive will provide access to Lots 2, 3 and 4.

Internal circulation and servicing arrangements are considered to be adequate. Appropriate conditions have been included.

### **Public Domain**

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

### **Utilities**

All relevant utilities are available or can be made readily available to the site as discussed throughout this report.

### **Heritage**

Not applicable

### **Other Land Resources**

Not applicable

### **Water**

The additional stormwater runoff generated by the proposed development is collected, conveyed and contained within a number of areas on site including a detention basin on the Castlereagh Highway frontage, above ground storage tanks in the carpark and 30,000 litre tank to store rainwater from roof areas for re-use on site. Council's Development Engineer has reviewed the proposal and advised the conceptual drainage and OSD scheme is considered acceptable for DA purposes, full details will be required with the SWC or CC relevant to that portion of works. Suitable conditions have been included.

### **Soils**

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation.

### **Air and Microclimate**

The development is not expected to emit any dust, particulates, odours, fumes, gases or pollutants to any significant degree.

### **Flora and Fauna**

The proposed development will involve the removal of native vegetation as discussed throughout this report. A BDAR was provided with the application which found that 6.0 ecosystem credits were required to offset the removal. Appropriate conditions have been included.

## Waste

A Waste Management Plan has been provided with the application which indicates that waste will be collected and removed by contracted waste removalists during operation of the development. Waste will be stored in waste storage areas at the rear of the building in an area not visible to the public. Waste generated during demolition and construction stages is also addressed in the Waste Management Plan provided and is to be suitably disposed of. Suitable conditions have been included.

## Energy

The proposed development will not use any more energy than any like development.

## Noise and Vibration

An *Operation Noise Emission Assessment* was undertaken by Acoustic Dynamics to assess noise emission levels at nearby receivers resulting from various noise sources associated with the operation of the new Bunnings store.

The closest residential receivers are located adjacent to the site boundary to the east at 18 Castlereagh Highway and approximately 45m away from the western site boundary at 104 Lions Drive as shown in Figure 9.

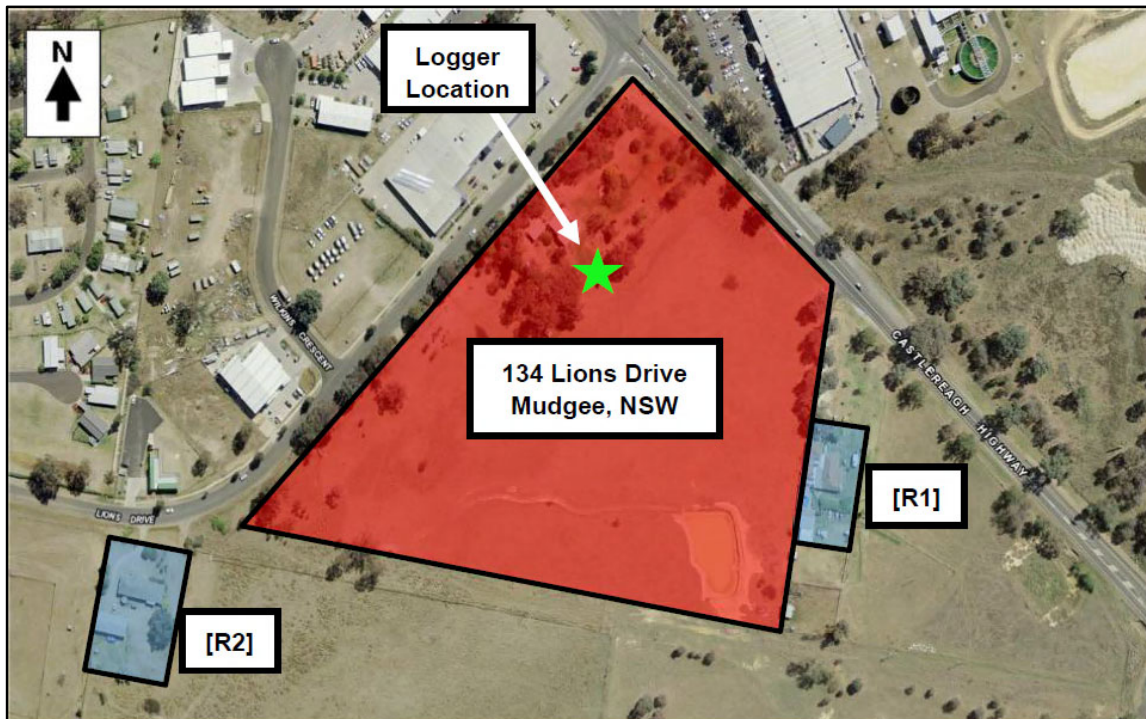


Figure 9: Extract from Acoustic Assessment prepared by Acoustic Dynamics showing location of closest residential receivers.

The store is proposed to operate from 6am-10pm Monday to Friday and 6am -7pm Saturday, Sundays and Public Holidays.

The modelling found that in the worst-case scenarios that the operation of the Bunnings store in the Morning Shoulder period (6am-7am), Day period (7am-6pm) and Evening period (6pm-10pm) can be designed to achieve compliance with the relevant criteria. This is subject to the

recommendations in relation to mechanical plant, loading dock operations being undertaken and the incorporation of a 4m high acoustic barrier on the eastern boundary of the site.

Suitable conditions have been included to ensure that the operation meets the relevant criteria at all times and that the recommended measures are incorporated.

### **Natural Hazards**

The development site is identified as being flood prone, as discussed throughout this report suitable measures have been proposed to mitigate the impacts of flooding to the development and the surrounding area as a result of the proposal.

The site is not identified as being affected by geological / soil instability or bushfire.

### **Technological Hazards**

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

### **Safety, Security and Crime Prevention**

The design of the proposed development provides for suitable access control and generally conforms to the principles of Crime Prevention Through Environmental Design (CPTED).

### **Social Impact in the Locality**

The proposed development is appropriately located in the E3 – Business Development zone on the fringe of Mudgee and is expected to have a positive social impact.

### **Economic Impact in the Locality**

The proposed development will provide employment opportunities during construction and operation.

### **Site Design and Internal Design**

Adequate as discussed throughout this report.

### **Construction**

The impacts of construction activities may be regulated by conditions.

### **Cumulative Impacts**

The proposed development is not expected to contribute to cumulative impacts.

### *SUITABILITY OF SITE FOR DEVELOPMENT – 4.15(1)(c)*

The proposed development fits into the commercial context and locality within which it sits. Utility services have the capacity to service the development.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 4.15(1)(d)

**Public Submissions**

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 26 August 2022. During the notification period, 2 submission/s were received.

The following table shows the issues raised in the submissions and the planning response to the issues raised.

Issue	Planning Response
Extend sewer from Wilkins Crescent rather than from sewer main in Castlereagh Hwy to avoid disruption to existing business.	The applicant has revised the application and is now proposing to extend sewer to the development from the existing main in Wilkins Crescent.
Concerns in relation to safety of the intersection of Castlereagh Hwy and Lions Drive ensure increase in traffic as a result of existing Bunnings site, St Matthews school and residential developments has been included.	<p>A Traffic report prepared by TTPA has been provided with the application. The report has been reviewed by TfNSW and Council's Development Engineers. The report incorporates existing traffic counts that have been modelled in a SIDRA analysis with projections of growth. This included traffic counts based on the existing Bunnings site being redeveloped for bulky goods purpose / or an equivalent hardware use and also considered the peak traffic generating times of the proposed Bunnings warehouse and St Matthews School.</p> <p>The report recommended upgrades to the intersection of Castlereagh Highway and Lions Drive which are considered appropriate and will be included in the recommended conditions.</p>

**Submissions from Public Authorities**

Submissions were sought from TfNSW and Essential Energy with their requirements discussed previously in this report.

THE PUBLIC INTEREST – 4.15(1)(e)

**Federal, State and Local Government interests and Community interests**

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

## CONSULTATIONS

### **Health and Building**

Council's Health & Building Surveyor have recommended conditions to address building matters. These conditions are incorporated in the recommendation.

### **Development Engineering**

Council's Development Engineer has provided conditions to address the detailed engineering matters including access, traffic, car parking, stormwater, flooding and servicing. These conditions are incorporated in the recommendation.

It should be noted that the conditions have been included in a staged format as per their recommendation to ensure that flood mitigation measures are completed first.

### **Environmental Health**

Council's Senior Environmental Health Officer has reviewed the Acoustic report submitted with the application and provided conditions to address noise impacts of the development. These conditions are incorporated into the recommendation.

### **Environmental Assessments**

Council's Environment Officer has reviewed the Biodiversity Development Assessment Report (BDAR) submitted with the application raising no objections to the proposal. Suitable conditions have been incorporated in the recommendation.

## **Summary**

The proposed development complies with the requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant State Environmental Planning policies, Mid-Western Local Environmental Plan 2012, Mid-Western Regional Council Development Control Plan 2013 and Mid-Western Community Participation Plan 2019 and is therefore recommended for approval subject to the attached conditions of consent.

## Community Plan implications

<b>Theme</b>	<b>Protecting Our Natural Environment</b>
Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Mid-Western Development Control Plan 2013

Community Participation Plan 2019

Mid-Western Regional Contributions Plan 2019

Mid-Western Regional Developer Servicing Plan 2008



**Legislation**

Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulations 2021  
Mid-Western Regional Local Environmental Plan 2012  
Roads Act 1993

Financial implications

Not Applicable

Associated Risks

Should Council refuse the application, the applicant may seek further review of this decision or appeal through the Land and Environment Court.

SARAH HOPKINS  
TOWN PLANNER

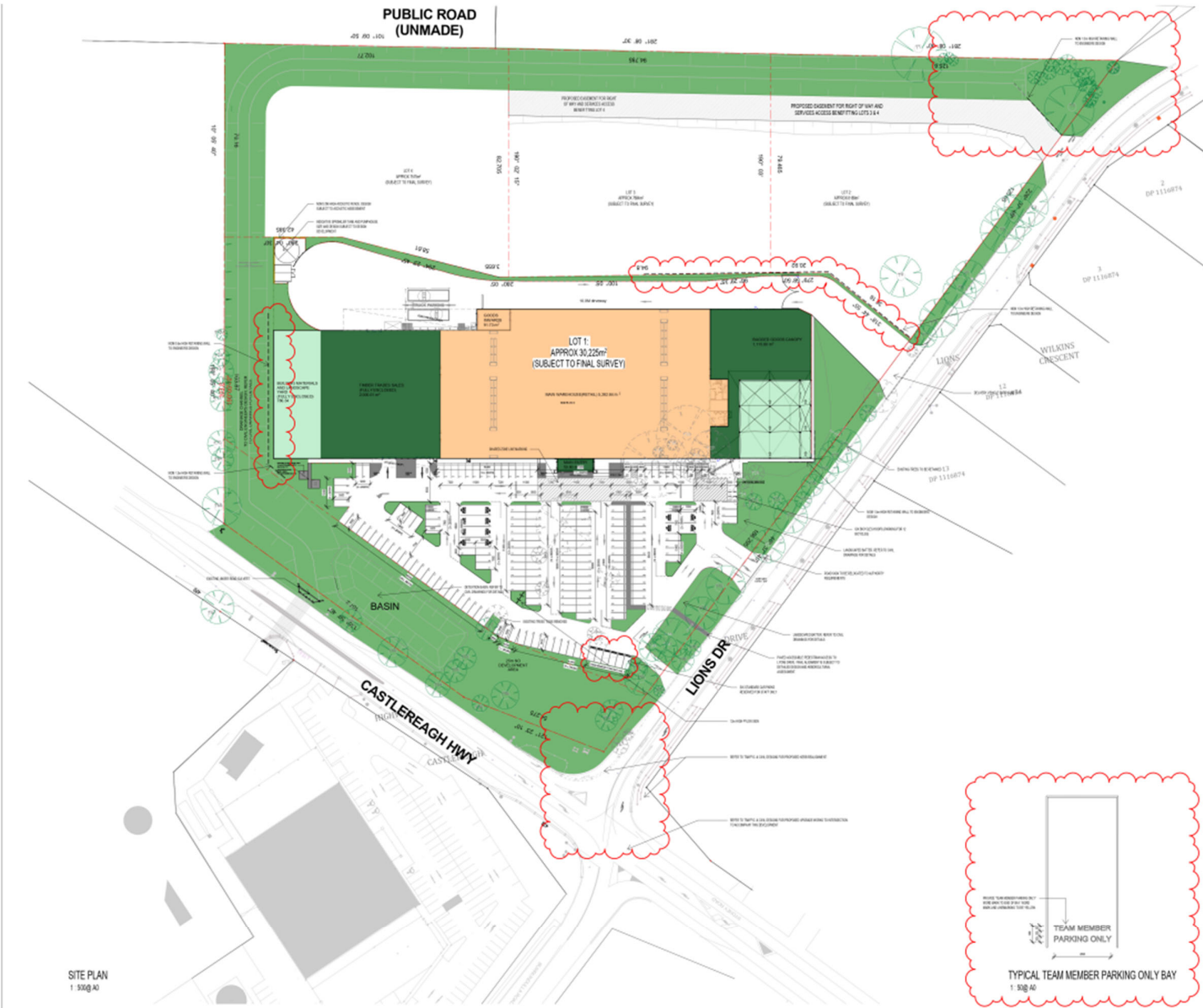
ALINA AZAR  
DIRECTOR DEVELOPMENT

20 July 2023

*Attachments:* 1. Architectural Plans.  
2. Landscape Plan.

APPROVED FOR SUBMISSION:

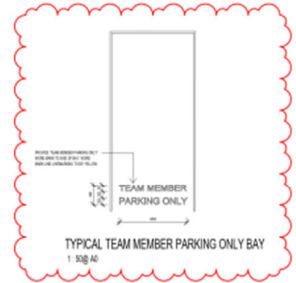
JULIAN GEDDES  
ACTING GENERAL MANAGER



LOT AREAS (m <sup>2</sup> )		
	GROSS AREA	NET AREA
LOT 1 (BUNNINGS SITE)	30,225m <sup>2</sup>	
LOT 2	8,189m <sup>2</sup>	5,394m <sup>2</sup>
LOT 3	7,884m <sup>2</sup>	5,599m <sup>2</sup>
LOT 4	7,575m <sup>2</sup>	5,204m <sup>2</sup>

BUNNINGS M. EDGE, NSW - AREA ANALYSIS	
	PROPOSED
MAIN WAREHOUSE RETAIL	526.94 m <sup>2</sup>
SALE ENTRY	89.84 m <sup>2</sup>
WAREHOUSE AREA	5,962.94 m <sup>2</sup>
OUTDOOR KIOSK AREA	146.44 m <sup>2</sup>
BAGGED GOODS CANOPY AREA	1,115.84 m <sup>2</sup>
TOTAL WAREHOUSE AREA	1,860.38 m <sup>2</sup>
TIMBER TRUCK SALES AREA	2,800.07 m <sup>2</sup>
BUILDING FOOTPRINTS AND LANDSCAPE HARD AREA	193.24 m <sup>2</sup>
TOTAL TIMBER TRUCK AREA	2,796.36 m <sup>2</sup>
TOTAL RETAIL AREA	936.62 m <sup>2</sup>
STANDARD CARPARKS (INCLUDING 6 SHIP ONLY)	185
ACCESSIBLE CARPARKS	4
TRUCK & TROLLEY BAYS	8
TOTAL SITE CARPARKS	195
TROLLEY BAYS	3

NOTE: ALL CAR SPACES, ANGLES AND ACCESSWAYS TO MEET THE REQUIREMENTS OF AS 2861.1



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY DESIGN	15/08/23	MC
2	FINAL DESIGN	15/08/23	MC
3	CONSTRUCTION DOCUMENTS	15/08/23	MC
4	AS-BUILT DRAWINGS	15/08/23	MC

CONTRACTOR TO COVER ALL COSTS OF CONSTRUCTION AND TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING UTILITIES AND SERVICES.



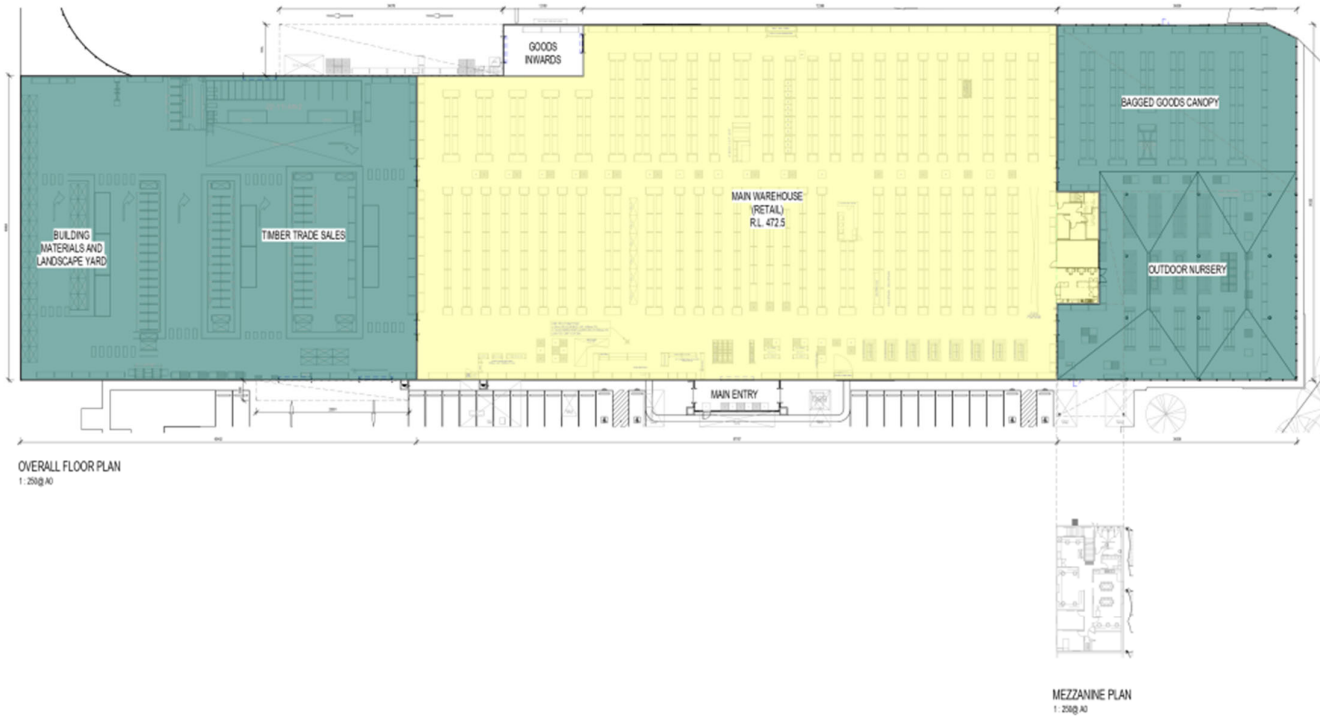
**Michael Carr Architects**  
 13/1000 Street, Southport, QLD  
 4215 QLD Australia

PROJECT: BUNNINGS WAREHOUSE 132 LIONS DRIVE

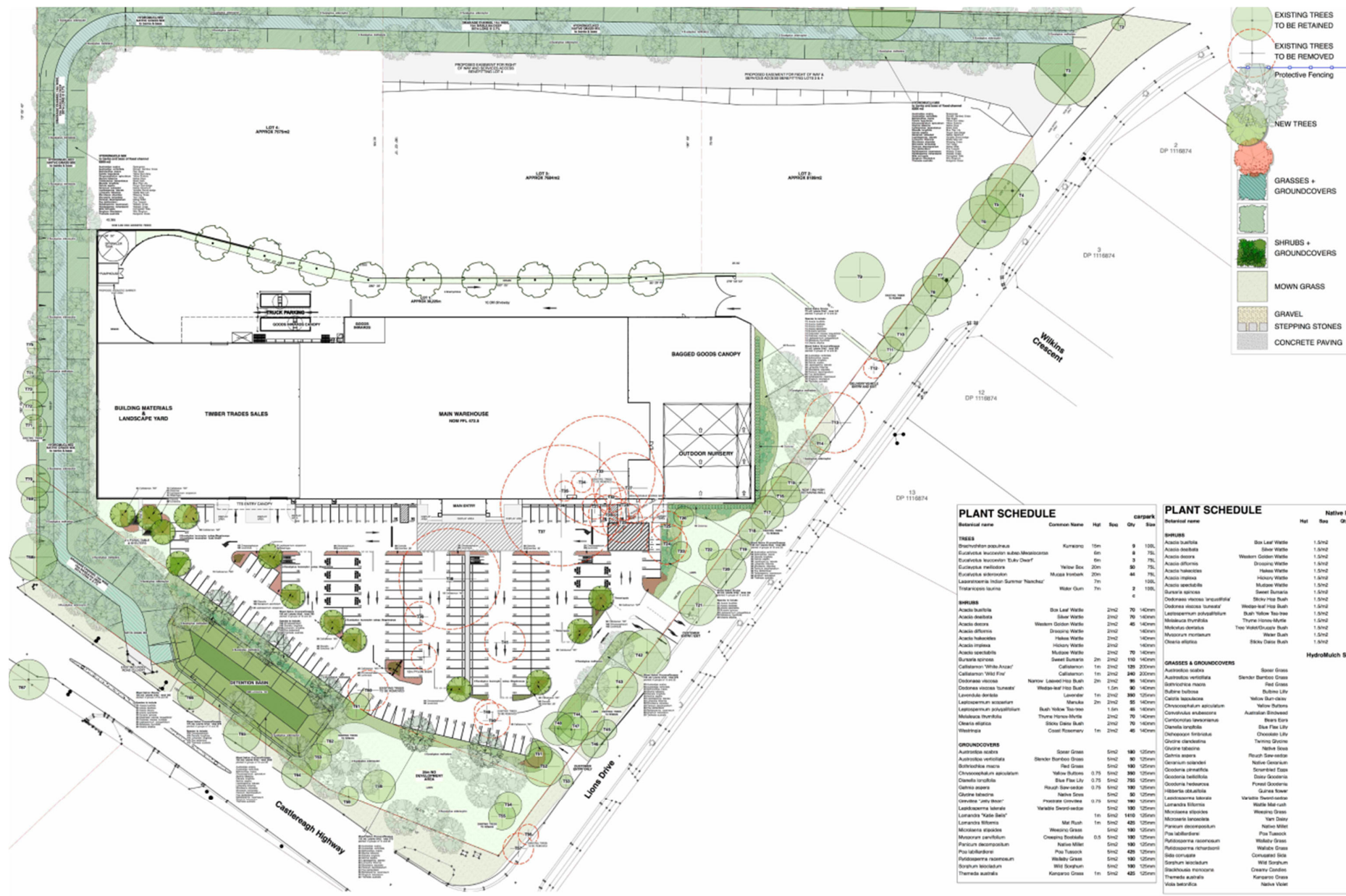
ARCHITECTURAL  
 DRAWING TITLE: SITE PLAN

SCALE	PROJECT NO.
As Indicated AS	21006
DATE	15/08/2023
FILE	BUNNINGS WAREHOUSE 132 LIONS DRIVE
DESIGNED BY	MC
DRAWN BY	MC









## 8.2 MA0009/2023 - Modification to MA0046/2020 - Proposed demolition and 51 lot residential subdivision, 43 Saleyards Lane, Mudgee

REPORT BY THE TOWN PLANNER  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, DA0248/2014

### RECOMMENDATION

#### That Council:

- A. receive the report by the Town Planner on the MA0009/2023 - Modification to MA0046/2020 - Proposed demolition and 51 lot residential subdivision, 43 Saleyards Lane, Mudgee;
- B. that MA0009/2023 - Modification to MA0046/2020 - Proposed demolition and 51 lot residential subdivision, 43 Saleyards Lane, Mudgee be approved subject to the following conditions:

#### Conditions of Consent (AMENDMENTS IN RED)

### APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with the following;
  - Subdivision Plans stamped plans (Job No. 1202MU) Sheets 1/3;
  - Statement of Environmental Effects dated January 2014;
  - Addendum to Statement of Environmental Effects Dated 17<sup>th</sup>February 2014;
  - Traffic Impact Statement by Jabek P/L (BK138) dated March 2014;
  - **Amended draft survey subdivision plan 23-1214 – Stage 2 only**
  - **Amended plans received by Triaxial Dwg TX16071.00-C3.00 Issue 1 dated 03/04/23 as submitted to Council on 2 August 2023”.**

except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

#### **AMENDED BY MA0009/2023**

- 1a. **Proposed Lot 29 must be consolidated with Lot 30 DP1267151 on the final plan of subdivision for Stage 2.**

#### **ADDED BY MA0009/2023**

### DEMOLITION

2. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
  - a) Demolition work is not be undertaken until:

- Council has been provided with a copy of any required Hazardous Substances Management Plan;
  - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
- b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
- c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency
- d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. A masonry retaining wall is to be provided adjacent the northern boundary of the development site to retain the proposed fill. It is to be offset by 750mm from the rear boundary and this area landscaped with Photinias (or other approved species) that will achieve a minimum height of 2 metres and planted 1 metre apart. Details of the retaining wall structure and landscaping are to be provided with the application for Construction Certificate.
4. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
5. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
6. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party.
7. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
8. Prior to the commencement of subdivision works, the following actions are to be carried out;
  - A site supervisor is to be nominated by the applicant;
  - Council is to be provided with two (2) days' notice of works commencing.

**Note:** Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.

9. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.
10. The causeway at the eastern end of Saleyards Lane shall be upgraded with culverts with sufficient capacity to facilitate a 1 in 10 yr. ARI rainfall event without inundation of the roadway.
11. A Construction Certificate is required for, but not limited to, the following civil works;
  - Water and sewer main extensions
  - Stormwater drainage such as inter-allotment drainage, detention basins,
  - Road construction
  - Footpath and kerb & gutter
  - Landscaping of public reserves
  - Construction of culvert on Saleyards Lane.

**Note:** No works can commence prior to the issue of the Construction Certificate.
12. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - Installation of sediment and erosion control measures
  - Water and sewer line installation prior to backfilling
  - Establishment of line and level for kerb and gutter placement
  - Road Pavement construction
  - Road Pavement surfacing
  - Practical Completion
13. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
14. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
15. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
16. Engineering plans of the water and sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

**Note 1:** Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.

**Note 2:** Council does not permit other bodies to insert new junctions or connections into 'live' mains.



17. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
18. The subdivision works are to be inspected by the Council to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
  - Installation of sediment and erosion control measures
  - Water and sewer line installation prior to backfilling
  - Establishment of line and level for kerb and gutter placement
  - Road and driveway pavement construction (including excavation, formwork and reinforcement)
  - Road pavement surfacing
  - Practical completion
19. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year ARI. All storm water detention details including analysis shall be included with the drainage report.
21. The drainage report is to include water quality treatment devices meeting targets as stipulated in the DCP and full details of compliance are to be provided with the Construction Certificate.
22. All utilities and services including telecommunications, water and sewer reticulation, street lighting shall be installed prior to pavement construction.
23. Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.
24. Complete landscaping plans for all public reserve areas are to be submitted for approval prior to issue of a Construction Certificate. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to occupation of the development. Tree and shrub species should require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.

#### **STORMWATER DRAINAGE**

25. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.

- 26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- 27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
- 28. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
- 29. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter.

**ROADS, KERBS AND VEHICULAR ACCESS**

- 30. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
- 31. The developer is to upgrade the existing road for the full frontage of the proposed Subdivision and the new roads, such that it has the following characteristics:

**Saleyards Lane and internal subdivision roads**

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes with 1m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
<b>Court Bowl</b>	<b>To be constructed with a minimum radius of 10 metres</b>

**AMENDED BY MA0009/2023**

- 31a. Proposed Lots 19 & 20 and 23 & 24 are to be provided with a shared concrete driveway no less than 6 metres wide constructed centrally within the battle-axe handles and to extend the full length of the handle. Plan of Subdivision is to show reciprocal Rights of Way and services for each dwelling are to be provided in a landscaping strip on each side of the driveway.

**ADDED BY MA0009/2023**

- 31b. Lots 26 & 27 and Lot 28 are to be provided with a constructed access crossover and concrete driveway constructed at an approved gradient and extending into the Lot sufficient distance to match existing surface. Details are to be generally in accordance with Triaxial

Drawings TX16071.00-C9.00 for Lot 28 and Triaxial Drawings TX16071.00-C9.01 for Lots 26 and 27

**ADDED BY MA0009/2023**

32. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
33. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
34. A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
35. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards. A Give Way sign is required to be installed on the internal subdivision road at the junction with Saleyards Lane.

**EARTHWORKS**

37. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.  
Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.
38. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
  - diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
39. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
40. The development site is to be managed for the entirety of work in the following manner:
  - Appropriate dust control measures;
  - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
41. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

## WATER AND SEWER

42. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
43. The applicant is to provide separate water and sewer reticulation services to each lot.
44. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
45. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer is to provide a water meter for each lot in the subdivision.

## PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

46. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.  
Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges
47. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
48. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
49. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
  - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - an agreement be made between the developer and Council;
    - as to the security to be given to Council that the works will be completed or the contribution paid, and
    - as to when the work will be completed or the contribution paid.

- 51. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an “Autocad compatible” work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer’s or Consulting Surveyor’s certification stating that all information shown on the plans is accurate.
- 52. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
- 53. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

<b>Transport Management</b>	
Traffic Management	\$54,539
<b>Open Space</b>	
Local Open Space	\$85,618
District Open Space	\$116,249
<b>Community Facilities</b>	
Library Buildings	\$11,206
Library Resources	\$13,448
<b>Administration</b>	
Plan Administration	\$26,148
<b>TOTAL</b>	<b>\$307,208</b>

- 54. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act*. This will require:

- a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$ 347,083
Sewerage Headworks	\$ 165,631
<b>Total Payable</b>	<b>\$ 512,714</b>

- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

- 55. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.
- 56. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

**Note: Council does not permit other bodies to connect to ‘live’ water mains.**

57. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.
58. Where the developer is to construct the sewer main to service a lot, the developer is to provide a new junction for each allotment.  
**Note:** Council does not permit other bodies to insert new junctions into “live” sewer mains.
59. All earthworks are to be monitored by a qualified cultural heritage officer and a minimum of one (1) weeks’ notice given to the engaged officer.
60. The developer must register a positive covenant on the title of the land under the provisions of the *Conveyancing Act 1919*, to require that a 1.8m high timber paling fence be constructed along the northern boundary of proposed Lots 39, 40 and Lots 43-51 (inclusive).

The covenant shall be binding upon the registered proprietors of the subject land and successors in title. The instrument shall nominate Council as the only authority empowered to release, vary or modify the terms of the positive covenant.

This covenant shall include, but not necessarily be limited to, the following:

- a) Prior to the issue of an Occupation Certificate for any residential development, a 1.8 metre high timber paling fence shall be provided along the full length of the northern boundary. The fence is to be constructed above the retaining wall.

Evidence that the required covenant on the title of the land has been created under the provisions of the *Conveyancing Act 1919*, must be provided to Council.

(Amended by MA0046/2020)

## **PUBLIC RESERVE**

61. Two street trees per allotment are to be provided prior to issue of the Subdivision certificate. The species of tree is to be listed on the Construction certificate drawings and approved as part of the Construction Certificate.
62. The proposed public reserve is to be remediated and adapted to make it suitable for public reserve purposes with native grasses sown and soil erosion rehabilitated. The public reserve is to be remediated prior to issue of the Subdivision Certificate and held in private ownership for a period of two years from issue of the Subdivision Certificate to monitor the remediation works.
63. A plan of management for the public reserve is to be prepared and adopted by Council to address cultural heritage, Endangered Ecological Communities and slope prior to issue of the Subdivision Certificate.

## **STATEMENT OF REASONS**

1. **The proposed modification complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.**

2. **The proposed modification is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.**
3. **The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.**

## Executive summary

<b>OWNER/S</b>	Mid-Western Regional Council
<b>APPLICANT:</b>	Mid-Western Regional Council
<b>PROPERTY DESCRIPTION</b>	Old Saleyards Site 43 Saleyards Lane, Mudgee Lot 2 DP534336; Lot 2 DP1215414 and Lot 3 DP1099282 (Previously known as Lot 2 DP534336, Lot 399 DP1132580 and Lot 532 DP1132581)
<b>PROPOSED DEVELOPMENT</b>	Demolition and 51 lot residential subdivision
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$2,500,000.00
<b>REASON FOR REPORTING TO COUNCIL:</b>	Original Development Application Determined by Council.
<b>PUBLIC SUBMISSIONS:</b>	Nil

Council granted consent to Development Application DA0248/2014 for the demolition of existing structures (including the former SES building) and subdivision of land into 51 residential lots at 43 Saleyards Lane, Mudgee NSW 2850. The original application was notified and advertised in the local paper with no submissions received. The application was determined as a Deferred Commencement Consent at the 7 May 2014 Council Meeting.

The deferred commencement conditions related to the requirement for a Phase 2 Environmental Assessment to identify any further contamination risks and the completion of the part closure of Saleyards Road reserve. The deferred conditions were satisfied and consequently an operational consent was issued on 7 May 2019.

Council received and determined a Section 4.55 Application MA0046/2020 to modify DA0248/2014, in relation to the fencing on the norther boundary, at its ordinary meeting dated 12 August 2020. Only one submission was received from the owner of the property adjoining the northern boundary fence.

Council is now in receipt of a Section 4.55 Application to modify MA0046/2020. Modification application (MA0009/2023) proposes the following changes:

1. Reduction to the size of the detention basin.
2. Creation of proposed Lot 29, which originally formed part of the approved detention basin. The new lot is proposed at 465.3m<sup>2</sup> and will be consolidated with neighbouring Council owned land, the Lady Gowrie Childcare Centre Lot 30 DP1267151.
3. Reduction to the size of proposed Lots 9, 10 and 11, caused by the redesign of the detention basin.
4. Construction of new driveways through approved retaining wall and construct new retaining walls for proposed Lots 26 and 27.
5. Replacement of temporary turning head with permanent cul-de-sac at the end of Marskell Circuit.
6. Reduction to size of proposed Lots 16, 17, 18, 19, 20 and 21 due to construction of a permanent cul-de-sac.
7. Relocation of stormwater line and concrete headwall.

The subject application was not neighbour notified as the modification application is considered of minor environmental impact under section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Public exhibition was not required, as Council is satisfied that the development will have the same or lesser impact on the amenity of adjoining property owners as the original application, that is, stormwater discharge will occur as originally approved over adjoining land, in accordance with the Mid-Western Regional Council Community Participation Plan 2019. It is noted, there were no submissions received against the original development application and only one submission received from an adjoining lot owner in response to modification application (MA0046/2020) which related solely to the dividing fence and retaining wall in Stage 1 adjoining the objectors land. Council considers the proposed changes will have no impact on adjoining land owners.

The proposed development complies with the requirements of the *Environmental Planning and Assessment Act 1979*, *Environment Planning and Assessment Regulation 2021*, relevant State Environmental Planning policies, *Mid-Western Local Environmental Plan 2012* and Mid-Western Regional Council Development Control Plan 2013 and is recommended for approval.

Pursuant to the powers handed down by the General Manager, conferred under Section 378 of the *Local Government Act 1993*, and as the original application was approved by Council resolution, staff do not have the power to determine the application in accordance with their *Delegation of Authority*. Subsequently, the application is referred to a full Council meeting.

## Disclosure of Interest

Nil

## Detailed report

The application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979. The main issues are addressed below as follows.

### REQUIREMENTS OF REGULATIONS AND POLICIES

#### 4.55(1A) Modifications involving minimal environmental impact

##### (1A) Modifications involving minimal environmental impact

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and*

**Comment** The modification relates to the reduction in the size of the detention basin to enable the creation of a new 465.3m<sup>2</sup> allotment, which is to be consolidated with neighbouring Council owned land, the Lady Gowrie Childcare Centre (Lot 30 DP1267151). The construction of two driveways and retaining walls on Lots 26 and 27. The replacement of the temporary turning head at the end of Marskell Circuit with a permanent cul-de-sac, which in turn will marginally reduce the size of Lots 16, 17, 18, 19, 20 and 21 and a minor change to the location of the stormwater dispersal. The proposed changes are minor in nature and considered to be of minimal environmental impact.

*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*



**Comment** Council is satisfied that the proposed modification is substantially the same development as that originally approved for the demolition and residential subdivision of the land.

*(c) it has notified the application in accordance with:*

- (i) The regulations, if the regulations so require, and*
- (ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.*

**Comment** The subject application was not neighbour notified as the modification application is considered of minor environmental impact under section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Public exhibition was not required, as Council is satisfied that the development will have the same or lesser impact on the amenity of adjoining property owners as the original application, that is, stormwater discharge will occur as originally approved over adjoining land, in accordance with the Mid-Western Regional Council Community Participation Plan 2019.

It is noted, there were no submissions received against the original development application and only one submission received from an adjoining lot owner in response to modification application (MA0046/2020) which related solely to the dividing fence and retaining wall in Stage 1 adjoining the objectors land. Council considers the proposed changes will have no impact on adjoining land owners.

*(d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Comment** No submissions received.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

**Comment** All matters under Section 4.15(1) of relevance to the modification are addressed below.

- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

**Comment** The applicant has submitted the Section 4.55(1A) application to Council in order to amend conditions of consent relating to the approved subdivision only. No further development consent is sought by the modification application in accordance with this part.

#### **4.15(1) (a) Evaluation – Matters for consideration**

- (i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Application relates?*

The proposed modification does not alter the proposal's compliance with the relevant State Environmental Planning Policies, considered as part of the original Development Application. No new considerations were required to be addressed as a result of the proposed modification.

**Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)**

The original development was considered against the Mid-Western Regional Local Environmental Plan 2012. The proposed modification includes the inclusion of one additional allotment and some minor lot size changes to nine of the original lots, therefore, re-considered of clause 4.1 has been undertaken.

**Clause 4.1 Minimum subdivision lot size**

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with all the relevant planning controls.

A final survey plan has been lodged with Council since the original approval, and therefore has provided more accurate lot sizes for all lots within the final stage of the subdivision, including those being amended by this modification. They are as follows;

Lot number	Approved lot size	Proposed lot size
Lot 7	620	713.5 m <sup>2</sup>
Lot 8	620	663 m <sup>2</sup>
Lot 9	803	866.9 m <sup>2</sup>
Lot 10	818	753.2 m <sup>2</sup>
Lot 11	794	761.2 m <sup>2</sup>
Lot 12	696	692.2 m <sup>2</sup>
Lot 13	683	680.6 m <sup>2</sup>
Lot 14	683	680.6 m <sup>2</sup>
Lot 15	683	680.6 m <sup>2</sup>
Lot 16	682	666.7 m <sup>2</sup>
Lot 17	682	671.9 m <sup>2</sup>
Lot 18	665	641.9 m <sup>2</sup>
Lot 19	868	861.3 m <sup>2</sup>
Lot 20	868	863.8 m <sup>2</sup>
Lot 21	665	670.4 m <sup>2</sup>
Lot 22	665	673.4 m <sup>2</sup>
Lot 23	868	869.9 m <sup>2</sup>
Lot 24	868	869.5 m <sup>2</sup>
Lot 25	665	676.8 m <sup>2</sup>
Lot 26	665	680.7 m <sup>2</sup>
Lot 27	1053	978.3 m <sup>2</sup>
Lot 28	878	854.8 m <sup>2</sup>
Lot 29 (proposed new lot)	N/A	465.3 m <sup>2</sup>
Lot 30 (Green space)	Not allocated a lot number	1.260ha
Lot 31 (Drainage Reserve)	Not allocated a lot number	1002 m <sup>2</sup>

All lots are above the required minimum lot size pursuant to the mapping which is 450m<sup>2</sup>. Accordingly, the proposal complies with the development standard.

### **Clause 5.21 Flood planning**

The extent of inundation shown by current flood mapping will be reduced by the construction of the detention basin and other drainage infrastructure.

With regards to the area created for proposed Lot 29 and its consolidation with the Child Care Centre, it is the applicant's intention that this area is likely to be car parking and playground area with no building or structures to be located on the new lot. Suitable conditions can be applied in the future when an application is made to Council for the development of the site and a comprehensive assessment is undertaken.

*(ii) Do any draft environmental planning instruments (EPI) apply to the land to which the Application relates?*

No draft environmental planning instruments apply to the land to which the Development Application relates.

*(iii) Do any development control plans apply to the land to which the Application relates?*

### **Mid-Western Regional Development Control Plan 2013 (DCP)**

The original development was considered against the relevant chapters of the Mid-Western Regional Development Control Plan 2012. The individual changes have been discussed below and whether consideration/reconsideration of the DCP for each change is required.

Reduced detention basin size - from an engineering perspective, the proposed changes can be easily managed by amendments to the construction and design details with a modified Construction Certificate Application and therefore, does not give rise to any issues that need to be considered/reconsidered under the current DCP.

Creation of proposed Lot 29 - the proposed new lot will be consolidated with adjoining Council owned land, Gowrie Child Care Centre (Lot 30 DP1267151) to accommodate future development of the Child Care Centre. The new lot is not for residential purposes, and for this reason, does not give rise to any issues that need to be considered/reconsidered under the current DCP for the creation of this lot.

Changes to lot sizes - the lot size changes for Lots 9, 10, 11, 16, 17, 18, 19, 20 and 21 are only minor and will not affect the developments ability to comply with the DCP controls under Part 7.1 for urban subdivision and therefore, does not give rise to any issues that need to be considered/reconsidered under the current DCP.

Permanent Cul-de-sac – the surrounding undeveloped land was rezoned to R1 General Residential with the adoption of the Mid-Western Regional Local Environmental Plan 2012, providing opportunity for the land owners to subdivide to a minimum of 600m<sup>2</sup>. Council provided an overall subdivision conceptual framework plan for the area, which included the surrounding land, in accordance with the Comprehensive Land Use Strategy.

It is understood that the adjoining land owner has no intention of subdividing his land, now or in the future. The current owner continues to utilise his land for extensive agricultural purposes in accordance with the existing use provisions under Division 4.11 of the Environmental Planning and Assessment Act 1979 and will continue to do so.

Due to the above, it has been necessary for Council to modify the road design to replace the temporary turning head with a permanent cul-de-sac at the end of Marskell Circuit. As a result of this change, minor changes are proposed to the size of Lots 16, 17, 18, 19, 20 and 21.

The minor changes to the road are considered acceptable and an amendment to the road standards condition has been included.

#### Stormwater dispersal & Easement

The modification is proposing to reduce the size of the detention basin by nearly half and disperse stormwater towards a natural drainage feature / watercourse on adjoining privately owned land and into a nearby culvert in the road reserve as per the original design approved by Council.

It should be noted that the works on the amended design for the detention basin have already been completed with stormwater dispersing onto the adjoining owner's property as per the original design approved by Council under CCC0145/2022 without a development application in place or amended construction plans.

It should be noted, that formal registration of an easement to discharge/drain stormwater onto and over adjoining private land (Lot 3 DP1099282) was not required as part of the original development consent. As the subject modification proposes the same method of stormwater disposal onto, and over the adjoining land, no easement will be required / conditioned.

It should also be noted that Council has secured the agreement of the surrounding land owner, for Council to purchase Lot 2 DP510997, a 177.4m<sup>2</sup> parcel of land adjoining the new proposed Lot 29. The acquirement of this parcel of land will provide Council with an additional alternative for the dispersal of stormwater, should an issue ever arise with the existing arrangement.

#### Contribution Plans

The original application was levied with Section 64 contributions and Section 94 contributions. It should be noted that the creation of Lot 29 does not warrant contributions to be levied under any contribution plan, as this parcel of land will be consolidated with adjoining Council owned land – Lady Gowrie Childcare Centre and therefore, the original contributions do not need to be modified by this application.

*(iiiia) Do any planning agreement or any draft planning agreement apply?*

No Planning Agreements are applicable.

*(iv) The regulations*

#### Environmental Planning and Assessment Regulation 2000

No matters prescribed by the Regulations impact determination of the Application.

#### *IMPACT OF DEVELOPMENT*

##### **4.15(1)(b) Likely impacts of the development**

The proposed changes are not likely to significantly increase any impacts that were anticipated by the original development and subsequently, the modification application is considered acceptable and unlikely to create any significant issues.

Given the above, the proposed modification will result in the same outcome as that which was originally envisaged under the original development consent. No further impacts have been identified as a result of the proposed modification and accordingly, the proposed modification is considered to be suitable for the site.

#### 4.15(1)(c) Suitability of Site for the Development

##### **Does the proposal fit in the locality?**

Yes, the proposed development remains suitable for the site and locality.

##### **Are the site attributes conducive to development?**

The subject site has road frontage and access to services, making the site conducive to the development.

#### 4.15(1)(d) Any submissions made in accordance with Act or Regulations

##### **(a) Public Submissions**

The application was not required to be notified to adjoining owners in accordance with Mid-Western Regional Council's Community Participation Plan 2019. No submission were received.

##### **(b) Submissions from public authorities**

The application did not need to be referred to any government agencies and is not integrated development.

#### 4.15(1)(e) The Public Interest

##### ***Federal, State and local government interests and community interests***

No significant issues in the interests of the public are expected as a result of the proposed modification to the development consent.

##### ***Consultations***

##### *CONSULTATIONS*

##### ***Health & Building***

No consultation necessary.

##### ***Development Engineer***

Comments and new conditions received.

##### ***Heritage Advisor***

No consultation necessary.

#### Community Plan implications

Theme	Good Government
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Goal	Strong civic leadership
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Strategy	Provide accountable and transparent decision-making for the community
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#### Strategic implications

##### **Council Strategies**

Not applicable.

**Council Policies**

Mid-Western Development Control Plan 2013.  
Mid-Western Regional Local Environmental Plan 2012.

**Legislation**

Environmental Planning and Assessment Act 1979 (as amended).  
Environmental Planning and Assessment Regulations 2000.

Financial implications

Not applicable.

Associated Risks

The application may be subject to a further review of this decision or appeal through the Land and Environment Court, if procedural matters are challenged by a third party.

KIM ORTH  
TOWN PLANNER

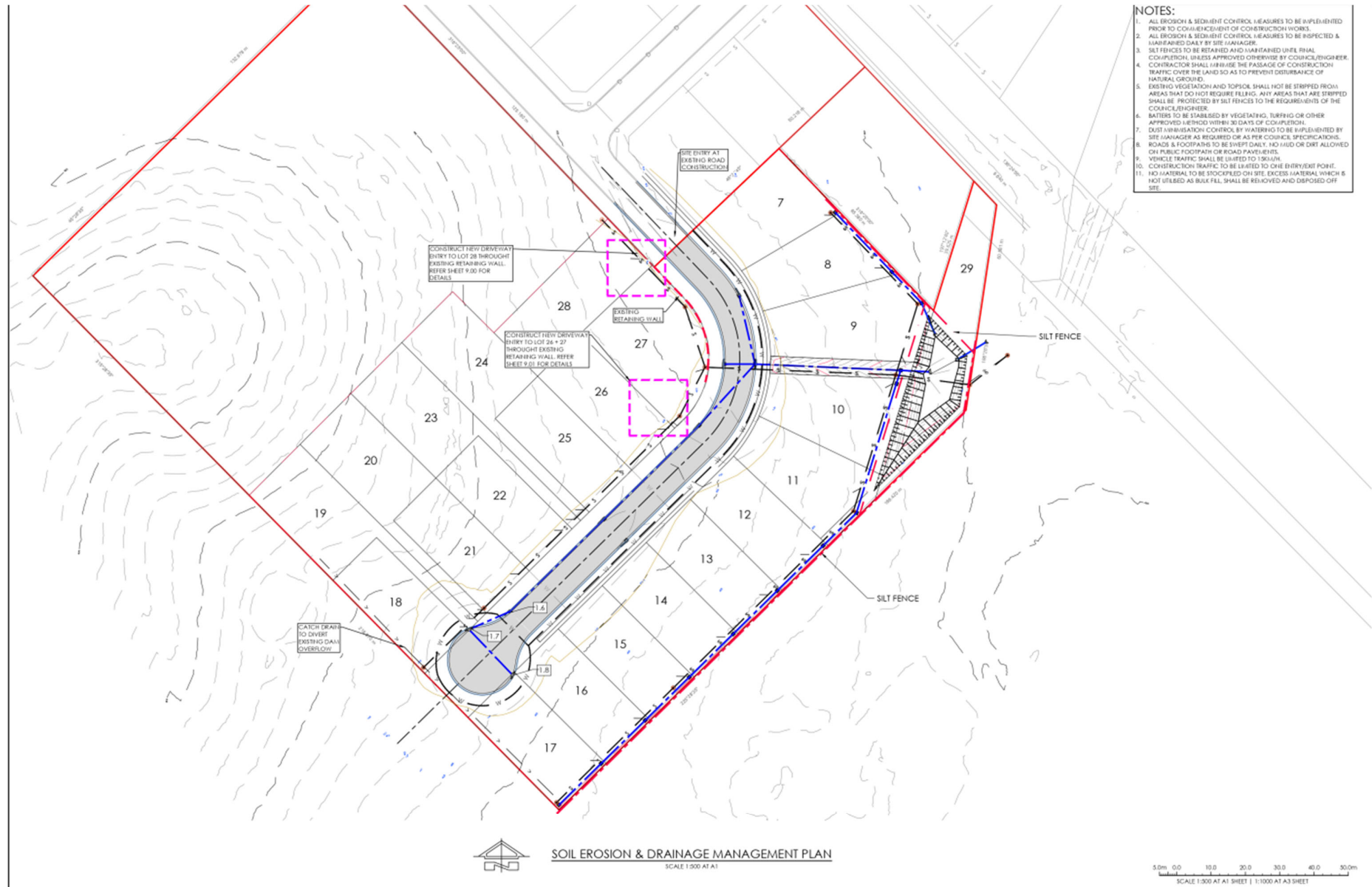
ALINA AZAR  
DIRECTOR DEVELOPMENT

14 August 2023

- Attachments:*
1. Amended detention basin design.
  2. Draft Subdivision Plan.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER GENERAL MANAGER



- NOTES:**
1. ALL EROSION & SEDIMENT CONTROL MEASURES TO BE IMPLEMENTED PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS.
  2. ALL EROSION & SEDIMENT CONTROL MEASURES TO BE INSPECTED & MAINTAINED DAILY BY SITE MANAGER.
  3. SILT FENCES TO BE RETAINED AND MAINTAINED UNTIL FINAL COMPLETION UNLESS APPROVED OTHERWISE BY COUNCIL ENGINEER.
  4. CONTRACTOR SHALL USE THE PASSAGE OF CONSTRUCTION TRAFFIC OVER THE LAND SO AS TO PREVENT DISTURBANCE OF NATURAL GROUND.
  5. EXISTING VEGETATION AND TOPSOIL SHALL NOT BE STRIPPED FROM AREAS THAT DO NOT REQUIRE FILLING. ANY AREAS THAT ARE STRIPPED SHALL BE PROTECTED BY SILT FENCES TO THE REQUIREMENTS OF THE COUNCIL ENGINEER.
  6. BATTERS TO BE STABILISED BY VEGETATING, TURFING OR OTHER APPROVED METHOD WITHIN 30 DAYS OF COMPLETION.
  7. DUST ABatement CONTROL BY WATERING TO BE IMPLEMENTED BY SITE MANAGER AS REQUIRED OR AS PER COUNCIL SPECIFICATIONS.
  8. ROADS & FOOTPATHS TO BE SWEEPED DAILY. NO MUD OR DIRT ALLOWED ON PUBLIC FOOTPATH OR ROAD PAVEMENTS.
  9. VEHICLE TRAFFIC SHALL BE LIMITED TO 150KM/H.
  10. CONSTRUCTION TRAFFIC TO BE LIMITED TO ONE ENTRY/EXIT POINT.
  11. NO MATERIAL TO BE STOCKPILED ON SITE. EXCESS MATERIAL WHICH IS NOT UTILISED AS BULK FILL, SHALL BE REMOVED AND DISPOSED OFF SITE.

**SOIL EROSION & DRAINAGE MANAGEMENT PLAN**  
 SCALE 1:500 AT A1



ISSUE FOR CONSTRUCTION APPROVED BY: _____ DATE: _____ BY: _____	NORTH POINT UNCL. ARCHITECT: _____	CLIENT MID WESTERN REGIONAL COUNCIL	PROJECT SALEYARDS SUBDIVISION STAGE 2 MARSKELL CIRCUIT	TRIAXIAL CONSULTING COMPLEX PROBLEMS	1300 874 294   triaxial.co.nz UNIT 1, 28 MARKET STREET, HUNDEE NSW 2850 PO BOX 1073, HUNDEE NSW 2850	DRAWING TITLE SOIL EROSION & DRAINAGE MANAGEMENT PLAN
						PROJECT No.: _____ DRAWING No.: _____ ISSUE: _____

**NOTES**

- EASEMENTS SHOWN ARE FROM CIVIL PLANS BY TRIAXIAL CONSULTING REVISION E DATED 20/02/2023.
- THESE ARE BASED ON DESIGN INFORMATION, AND ARE SUBJECT TO FINAL SURVEY.
- ADDITIONAL EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS & AS SUCH ARE SUBJECT TO FINAL SURVEY.
- DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY.

PH TO SSM (NOT TO SCALE)  
 116°53'26" 597.167 MGA GROUND  
 116°53'26" 597.166 SURVEY

SSM 77192 FD ESTABLISHED  
 SSM TO SSM (NOT TO SCALE)  
 306°11'32" 384.410 MGA GROUND  
 306°11'32" 388.945 SURVEY

PH TO SSM  
 155°18'11" 224.49

PH TO CORNER  
 172°12'35" 149.175

SSM TO PH (NOT TO SCALE)  
 329°37'29" 714.704 MGA GROUND  
 329°37'30" 714.705 SURVEY

SSM TO CORNER (NOT TO SCALE)  
 309°14'35" 344.62

REFERENCE TO CORNERS				
CORNER	BEARING	DISTANCE	FROM	ORIGIN
A	4°04'	5.76	RM DH & WING FD	DP1267151
B	29°11'30"	14.135	RM DH & WING FD	DP1267151
C	91°25'30"	6.08	RM DH & WING FD	DP1267151
D	91°25'30"	19.235	RM DH & WING FD	DP1267151
E	38°27'	4.295	RM DH & WING FD	DP1267151
F	43°54'	13.655	RM DH & WING FD	DP1267151
G	69°00"	0.855	RM DH & WING IN WALL FD	DP1267151
H	214°15'	5.635	RM DH & WING FD	DP1233109
I	205°26'	16.67	RM DH & WING FD	DP1233109
J	188°29'	0.795	RM GI PIPE FD (10.5 DEEP)	3701-3090
K	227°54'	0.435	RM GI PIPE FD	DP1215414
L			RM DH & WING PLACED	
M			RM DH & WING PLACED	
N			RM DH & WING PLACED	
O			RM DH & WING PLACED	
P			RM DH & WING PLACED	
Q			RM DH & WING PLACED	
R			RM DH & WING PLACED	

**M.G.A. COORDINATE SCHEDULE**

MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
SSM 65206	741167.753	6391569.712	C	0.02	SCIMS	FOUND
PM 77332	740786.269	6392186.459	C	0.02	SCIMS	FOUND
SSM 77192	741318.988	6391916.305	C	0.02	SCIMS	FOUND
SSM 21138	740880.	6391982.	U	(C)	SCIMS	FOUND
SSM			(C)	N/A	CAD TRAVI	PLACED
SSM			(C)	N/A	CAD TRAVI	PLACED

DATE OF SCIMS COORDINATES 15/06/2023 MGA ZONE: 55  
 MGA DATUM: GDA 2020 COMBINED SCALE FACTOR : 1.000240

**CONNECTIONS**

- SSM 21138 - SSM BEARING DISTANCE
- SSM - SSM BEARING DISTANCE
- SSM - SSM 65206 BEARING DISTANCE

- (A) EASEMENT TO DRAIN SEWAGE 3 WIDE & VARIABLE WIDTH
- (B) EASEMENT TO DRAIN SEWAGE 3.5 WIDE
- (C) EASEMENT TO DRAIN SEWAGE 3 WIDE
- (D) EASEMENT TO DRAIN WATER 3.5 WIDE



Surveyor: DANIEL KURZAWA

PLAN OF SUBDIVISION OF LOT 29 IN DP1267151

LGA: MID-WESTERN REGIONAL

Registered

Date of Survey: DRAFT

Locality: MUDGEE

Subdivision No:

DP DRAFT

Surveyor's Reference: 23-1214

Lengths are in metres. Reduction Ratio 1 : 1000





Surveyor: DANIEL KURZAWA  
 Date of Survey: DRAFT  
 Surveyor's Reference: 23-1214

PLAN OF SUBDIVISION OF LOT 29 IN DP1267151

LGA: MID-WESTERN REGIONAL  
 Locality: MUDGEE  
 Subdivision No:  
 Lengths are in metres. Reduction Ratio 1 : 600

Registered

DP DRAFT

## 8.3 DA0280/2023 - Alterations and Additions to existing Preschool - 2 Lovejoy Street, Mudgee

REPORT BY THE PLANNING COORDINATOR  
 TO 20 SEPTEMBER 2023 ORDINARY MEETING  
 GOV400103, DA0280/2023

### RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on the DA0280/2023 - Alterations and Additions to existing Preschool - 2 Lovejoy Street, Mudgee;
- B. approve DA0280/2023 - Alterations and Additions to existing Preschool - 2 Lovejoy Street, Mudgee be approved subject to the following conditions and statement of reasons:

#### Approved Plans

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Site Plan	568PRE-01	C	18.08.2023	SUNRAI Designs
Existing Floor Plan & Existing Fire Safety Measures	568PRE-02	C	18.08.2023	SUNRAI Designs
Demolition Plan	568PRE-03	C	18.08.2023	SUNRAI Designs
Proposed Floor Plan	568PRE-04	C	18.08.2023	SUNRAI Designs
Elevations	568PRE-05	C	18.08.2023	SUNRAI Designs
Window & Door Schedule	568PRE-06	C	18.08.2023	SUNRAI Designs
MPS Floor Plan	568PRE-07	C	18.08.2023	SUNRAI Designs
MPS Elevations	568PRE-08	C	18.08.2023	SUNRAI Designs
MPS Sections	568PRE-09	C	18.08.2023	SUNRAI Designs
MPS Perspectives	568PRE-10	C	18.08.2023	SUNRAI Designs
Access Report	-	Issue A	25 July 2023	SUNRAI Designs
4.6 Variation Written Request	2023/39	-	17 December 2022	Drew Roberts Consulting
Statement of	2023/39	-	7 December	Drew

Environmental Effects			2022	Roberts Consulting
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**General**

3. This development consent does not include approval for any signage for the development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
4. All demolition works are to be carried out in accordance with AS 2601-2001 “Demolition of structures”, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.
5. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy. No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.
6. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
7. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
8. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
9. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

10. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing building shall be brought into conformity with the following Performance Requirements of the BCA, Volume 1.
  - EP4.1 / E4P1– To facilitate safe evacuation in an emergency, the building must be provided with a system that ensures a level of visibility sufficient to enable exits, paths of travel to exits and any obstacles along a path of travel to an exit to be identified; and activates instantaneously upon the failure of an artificial lighting system, to the degree necessary, appropriate to the function or use of the building; and the floor area of the building; and the distance of travel to an exit.

- **EP4.2 / E4P2** – To facilitate evacuation, suitable signs or other means of identification, must, to the degree necessary, be provided to identify the location of exits; and, guide occupants to exits; and, be clearly visible to occupants; and, operate in the event of a power failure of the main lighting system for sufficient time for occupants to safely evacuate.

Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

11. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act, 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
12. Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*.
13. In accordance with the provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Contributions Plan 2019*, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

*Note – based on the proposed cost of works being \$556,345.94, it is estimated the contribution amount will be \$5,636.00*

*Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.*

*Note – Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.*

14. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

*Note - The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.*

*Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.*

#### **PRIOR TO COMMENCEMENT OF WORKS**

15. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

16. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

17. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- stating that unauthorised entry to the work site is prohibited, and
  - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - the name, address and telephone number of the principal certifying authority for the work,
  - The sign shall be removed when the erection or demolition of the building has been completed.

18. If the work involved in the erection/demolition of the building;
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - building involves the enclosure of a public place
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

19. The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

20. Runoff and erosion controls shall be installed prior to clearing and incorporate:-

- diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
- maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

### **DURING WORKS**

- 21. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.**
- 22. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
- 23. Construction work noise that is audible at other premises is to be restricted to the following times:**
  - Monday to Saturday - 7.00am to 5.00pm**

**No construction work noise is permitted on Sundays or Public Holidays.**
- 24. All mandatory inspections required by the *Environmental Planning & Assessment Act* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**
- 25. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-**
  - a) Demolition work is not be undertaken until:**
    - Council has been provided with a copy of any required Hazardous Substances Management Plan;**
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;**
  - b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the *Work Health and Safety Act 2011* and Australian Standard 2601-2001**
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;**
  - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.**
- 26. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
- 27. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.**
- 28. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.**
- 29. All building work is to comply with the requirements of the Access to Premises Standard.**

30. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

31. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Heritage NSW, SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

*Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.*

32. If unexpected soil contaminants are discovered during works which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

33. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

34. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

35. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

36. Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.

#### **ADVISORY NOTES**

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act*

2000. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable);

Section 64 Contributions			
Commercial Development per 100m <sup>2</sup>			
	<i>ET/Unit</i>	<i>Value</i>	<i>105.8m<sup>2</sup></i>
Water Headworks	0.1	\$9,713.00	\$1,027.64
Sewer Headworks	0.1	\$4,434.00	\$496.12
<b>Total Headworks</b>			<b>\$1,496.75</b>

- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

*Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.*

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The written request to vary a non-numerical standard under clause 4.6 of the Mid-Western Regional Local Environmental Plan 2013 to clause 6.7 Active Street Frontage has been adequately addressed by the applicant and the proposed development will be in the public interest as it achieves the objectives of clause 6.7 and the objectives of the zone.
3. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning & Assessment Act 1979*.



**4. No submissions were received during public notification of the development application.**

### Executive summary

OWNER/S	Crown Lands
APPLICANT:	Mrs Rai Geddes
PROPERTY DESCRIPTION	2 Lovejoy Street, Mudgee
PROPOSED DEVELOPMENT	Alterations and additions to existing preschool
ESTIMATED COST OF DEVELOPMENT:	\$556,345.94
REASON FOR REPORTING TO COUNCIL:	4.6 Variation to the Mid-Western Regional LEP
PUBLIC SUBMISSIONS:	Nil

DA0280/2023 has been submitted to Council seeking consent for alterations and additions to the existing child care facility located on the site. The proposed alterations and additions will not result in an increase in children numbers and therefore traffic and car parking arrangements will not change as a result of the proposed development.

The subject site comprises of 3 lots and is legally described as Lots 1 and 2 Section 68 DP 758721 and Lot 3 DP 727197, known as 2 Lovejoy Street, Mudgee. The site has a total area of approximately 1724.13m<sup>2</sup> and is currently occupied by the Mudgee Community Preschool Incorporated.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls however, a variation to Council's LEP clause 6.7 'active street frontage' provision is sought by the applicant. The proposed variation is discussed later in this report.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the proposed development includes a variation to a non-numerical standard pursuant to clause 4.6 of the Mid Western Regional Local Environmental Plan 2012. As a result, determination of the application must be made by Council, and not under staff delegation, in accordance with Planning Circular PS 18-003 issued on 5 May 2020 by the NSW Department of Planning and Environment.

The application is recommended for Approval.

### Disclosure of Interest

The Acting General Manager declares an interest in the application as the Applicant is his spouse.

### Detailed report

#### **Subject site**

The subject site is legally described as Lots 1 and 2 Section 68 DP 758721 and Lot 3 DP 727197, known as 2 Lovejoy Street, Mudgee. The site has a total area of approximately 1724.13m<sup>2</sup> and is currently occupied by the Mudgee Community Preschool Incorporated – refer to Figure 1 below.

The site contains a number of existing mature trees, outbuildings for storage and play equipment for use by the children at the facility. Adjoining the site to the north and west is Robertson Park. To

the east and south are Perry and Lovejoy Streets, with a mix of established commercial and residential buildings occupying the surrounding area.

The subject land has a number of previous development approvals, including a Building Approval in 1972 (DA43/1972) for "Additions to Pre-School Kindergarten Building" and more recently a Development Application and Construction Certificate for "Commercial Alterations and Additions" (DA0164/2011). Prior to this, the site was utilised as a Bowling Club.



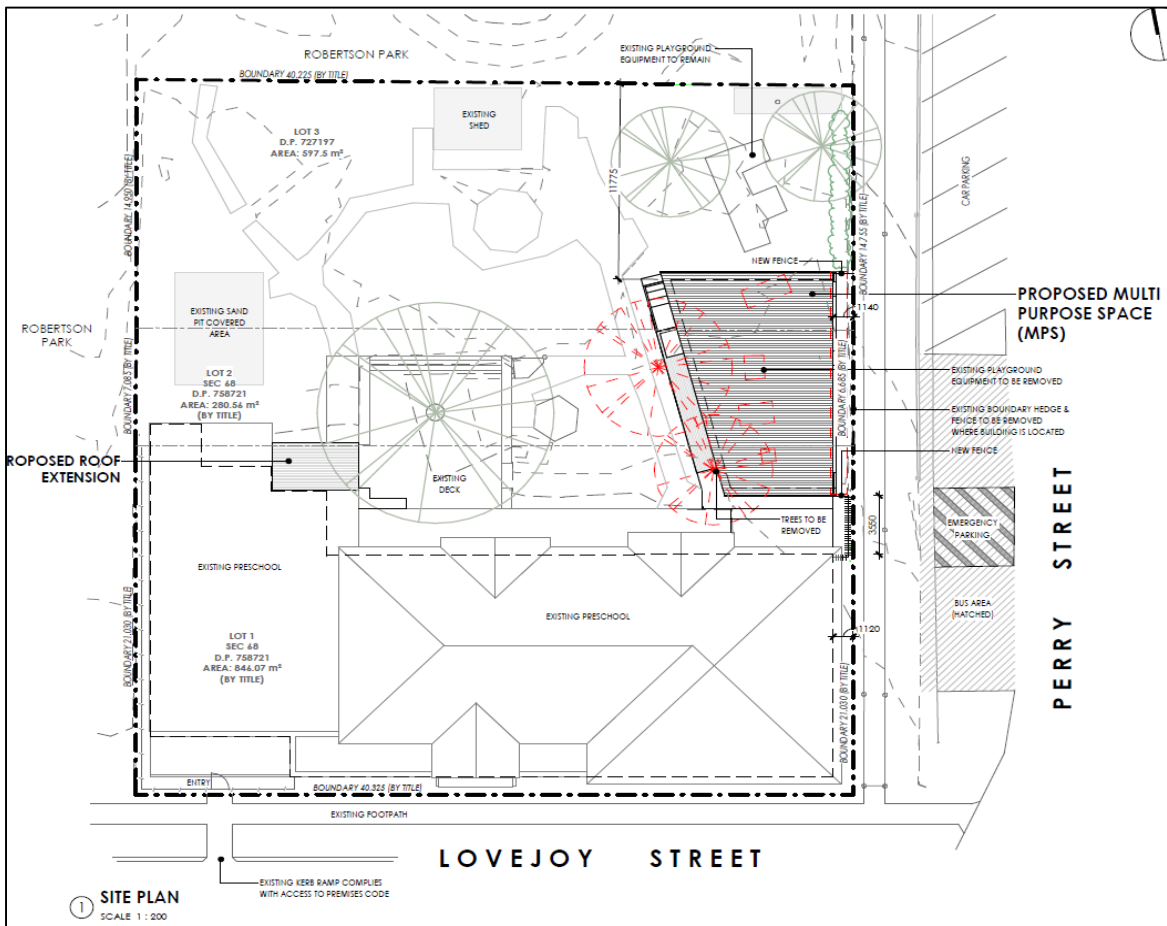
Figure 1: Site Location Plan

### ***Proposed development***

DA0280/2023 seeks consent for alterations and additions to the existing child care facility comprising of the following key elements:

- Internal alterations to the layout to improve the bathrooms, kitchen and other facilities throughout the centre;
- Minor external alterations including alterations to a window, roof and door arrangement, outdoor kitchen, ramp and the like;
- Enclosure of a small deck area to integrate the existing floor area internally;
- Removal of two trees, minor vegetation and fencing; and
- The erection of a new multipurpose space (including toilet facilities) comprising a total floor area of 105.8m<sup>2</sup> along the eastern boundary of the site.

Figure 2 below demonstrates the proposed layout of the development site.



**Figure 2: Proposed Site Layout Plan**

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submission/s were received.

The proposed development has been assessed in accordance with Council’s DCP and the LEP. The proposed development is considered generally consistent with Council’s planning controls however, a variation to Council’s LEP clause 6.7 ‘active street frontage’ provision is sought by the applicant. The proposed variation is discussed later in this report.

The application has been referred to Council for consideration as it exceeds staff’s *Delegation of Authority*, in that the proposed development includes a variation to a non-numerical standard pursuant to clause 4.6 of the Mid Western Regional Local Environmental Plan 2012. As a result, determination of the application must be made by Council, and not under staff delegation, in accordance with Planning Circular PS 18-003 issued on 5 May 2020 by the NSW Department of Planning and Environment.

The application is recommended for Approval.

**Legislative Requirements**

**Environmental Planning and Assessment Act 1979**

**Designated Development**

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regs).

### **Integrated Development**

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### **Assessment**

The application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows.

#### **4.15(1)(a) Requirements of Regulations and Policies**

*(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?*

#### **STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021**

The proposed development does not involve Advertising or Signage nor is the development impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 Pursuant to section 4.6 of the Policy, a site inspection and a search of council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

#### **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the subject site and therefore no further consideration of this SEPP is considered necessary.

#### **Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)**

The following clauses of Mid-Western Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

#### **Clause 1.2 Aims of Plan**

The application is not contrary to the relevant aims and objectives of the plan.

#### **Clause 1.4 Definitions**

The proposal is defined in accordance with the MWRLEP 2012 as alterations and additions to an existing 'centre based child care facility'. A centre-based child care facility is defined as:

***centre-based child care facility*** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*).

#### **Clause 2.2 Zoning of Land to Which Plan Applies**

The land at the time of lodgement of the application is zoned B3 Commercial Core and is therefore subject to the Plan.

It should be noted that the Minister for Planning altered the zoning for “employment zones” under all NSW Standard Instrument Local Environmental Plans via the State Environmental Planning Policy Amendment (Land Use Zones) (No. 4) 2022 which commenced on the 26 April 2023.

However, in accordance with clause 1.8A of the LEP;

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

### **Clause 2.3 Zone objectives and Land Use table**

The land is zoned B3 Commercial Core pursuant to MWRLEP 2012. The proposal, being alterations and additions to an existing centre-based child care facility is permissible with consent in the zone and complies with the relevant objectives.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

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#### **B3 Commercial Core**

1. *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

**Comment** The proposal contributes to the range of land uses available within the downtown area.

2. *To encourage appropriate employment opportunities in accessible locations.*

**Comment** The proposal will continue to provide for additional employment opportunities in the downtown area.

3. *To maximise public transport patronage and encourage walking and cycling.*

**Comment** The proposal will not alter pedestrian movements around the commercial enterprises in the downtown area, which is expected to encourage walking and cycling and the use of public transport to a central location.

4. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*

**Comment** The proposal will continue to contribute to the central business district of Mudgee providing child care services for the region.

5. *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*

**Comment** The proposal will not impact on surrounding residential neighbourhoods and will continue to provide a service within the immediate fringe of the CBD area.

6. *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

**Comment** The proposed works contribute positively to the heritage streetscape in the immediate vicinity. Refer to comments under clause 5.10 below.

7. *To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.*

**Comment** The proposal continues to provide for the free pedestrian movement throughout the CBD. No alterations to existing footways are proposed.

### **Clause 2.7 Demolition requires development consent**

In satisfaction of this clause, the development application seeks approval for internal demolition works to facilitate the upgrades required to the existing preschool building whilst also removing fencing, landscaping and two (2) trees within the site to enable the new building work to be undertaken.

### **Clause 4.3 Height of buildings**

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The new addition to the rear of the existing preschool is proposed at an overall maximum height of 4.73 metres and therefore complies.

### **Clause 4.6 Exceptions to development standards**

*It is proposed to vary Clause 6.7 of the LEP which relates to the provision of an 'active street frontage' at the ground floor of a premises within land zoned E2 Commercial Centre. An 'active street frontage' relates to a building facing the street being used for the purposes of business premises or retail premises.*

The variation to clause 6.7 of the LEP can be considered under this clause as it is not expressly excluded under any subsection of clause 4.6(6) or 4.6(8) of the LEP as follows:

- *The development does not relate to subdivision of the land in a rural or environmental zone (excluded under subclause 6).*
- *The development does not contravene any of the following (excluded under subclause 8)*
  - (a) a development standard for complying development*
  - (b) a development standard in connection with a commitment set out in a BASIX certificate.*
  - (c) clause 5.4 (relating to "controls relating to miscellaneous permissible uses)*

Previous Land and Environment Court decisions have clarified the correct approach to consideration of clause 4.6 requests. In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ stated:

- *Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.*
- *The first opinion of satisfaction in clause 4.6(4)(a)(i) is whether the clause 4.6 request has adequately addressed the matters required to be demonstrated in clause 4.6(3). Those matters are:*
  - *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
  - *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- *The consent authority does not have to directly form the opinion of satisfaction regarding these matters, but only indirectly form the opinion of satisfaction that the written request has adequately addressed these matters.*
- *The second opinion of satisfaction in clause 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.*
- *The consent authority must be directly satisfied that the clause 4.6 request adequately addresses the matter in clause 4.6(4)(a)(ii), which is not merely that the proposed development will be in the public interest, but that it will be in the public interest because it*

*is consistent with the objectives of the development standard and the objectives for development in the zone.*

- *The final precondition in clause 4.6(4) that must be satisfied is that the concurrence of the Secretary of the Department of Planning and Environment has been obtained.*

Given the above, an assessment has been made taking into consideration the above points and the requirements of Clause 4.6 as follows:

1. **Clause 4.6(4)(a)(i)** - *The consent authority satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3) being:*
  - *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
  - *that there are sufficient environmental planning grounds to justify contravening the development standard.*

**Comment:** The applicant has provided an appropriate written request that compliance with the 'active street frontage' clause is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standard as outlined below. A copy of the written request is available in **Attachment 2**.

In the judgement of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*) five ways of demonstrating compliance with a development standard is unreasonable or unnecessary were set out. This has been confirmed in subsequent cases including *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Randwick Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 which confirm that adopting the '*Wehbe*' principles when assessing a clause 4.6 submission in respect of clause 4.3(2) is an appropriate approach.

In this case, the applicant has utilised the "*Wehbe*" principle that:

*"the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary".*

The applicant argues that:

- *Despite the breach of the active street frontage control, the proposal achieves the objective for active street frontages in Clause 6.7 as outlined below.*

*"The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land in Zone B3 Commercial Core."*
- *The proposal will not hinder other sites within the zone from providing an active street frontage. The site does not generally relate to the accepted primary pedestrian routes through the Mudgee CBD that are of importance. This is as a result of the isolated and disjointed nature of the site from the CBD and the existing non-commercial use upon the site.*

The applicant also argues that the proposal satisfies the zone objectives as follows:

1. *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

**Comment:** *The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre serving the needs of the surrounding area.*

2. *To encourage appropriate employment opportunities in accessible locations.*

**Comment:** *The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre and therefore generating employment.*

3. *To maximise public transport patronage and encourage walking and cycling.*

**Comment:** *The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre within the downtown area, which is accessible for walking, cycling etc.*

4. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*

**Comment:** *The proposal will not impact on the ability of the downtown area of Mudgee to continue to be the focus for retail and commercial activity. The site will continue to be used for the purpose of a child-care centre, which performs an important supportive role in the function of the downtown area and the various businesses and employees that rely upon it.*

5. *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*

**Comment:** *The proposal is an upgrade of an existing child care facility, which is permissible with consent. Subsequently, the proposal will not create additional risk to pushing other businesses outside of the town centre area.*

6. *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

**Comment:** *The proposal is sympathetic to the surrounding streetscape with regards to heritage related elements and in particular Robertson Park. This is addressed further in this SEE.*

7. *To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.*

**Comment:** *The proposal will not interfere with any existing pedestrian movements throughout the commercial core, with the area already enclosed for the purposes of the child-care centre use.*

In addition, the applicant has also provided an adequate written justification that there is appropriate environmental grounds to justify the variation including the following:

- *The proposed variation allows for improved functionality and amenity for the existing use of the site into the future. The existing child-care centre will benefit from the upgrade by modernising the layout and facilities to reflect the current and future needs of the children and staff including additional internal areas for additional learning and development.*
- *The alternative to the variation proposed would result in a lesser planning outcome. Alterations and additions afford the opportunity to improve a range of aspects of the facility. The alternative to the proposed variation would be to locate the works to another part of the site to the west whereby the active street frontage clause would not likely be triggered (although this is not clear). The proposed addition has been intentionally positioned in the current location to ensure the childrens play areas are orientated in a way that they are internalised to the site thereby ensuring privacy and amenity can still be afforded to the maximum potential possible for the site.*
- *Additionally, the location of the new addition is the most logical in terms of integrating with the rest of the built form of the facility. An imperative design outcome is the close connectivity to the western classroom and allowance for clear visibility over the rest of the site.*



- *The non-compliant elements of the proposal satisfy the relevant matters outlined in section 1.3 of the Environmental Planning and Assessment Act 1979. This is outlined below:*
  - *“(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,”*  
**Comment:** *The proposed building has been designed with regard to ecologically sustainable design measures, with the variation not preventing compliance with other legislative requirements and allowing for improved functionality and amenity for occupants into the future.*
  - *“(c) to promote the orderly and economic use and development of land,”*  
**Comment:** *The design of the addition has been carefully considered and the issue of non compliance will be not be perceptible as a non compliance as viewed from the street and surrounding development given the isolation of the site from the rest of the primary pedestrian routes throughout the Mudgee CBD. The non compliant area promotes the orderly use of land in that it will have no unreasonable environmental impacts on adjoining properties in terms of visual bulk and scale, views, overshadowing or loss of sunlight.*
  - *“(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,”*  
**Comment:** *The proposed building use has no adverse implications with regard to protecting native vegetation or habitats.*
  - *“(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),”*  
**Comment:** *The site is not known to contain any items of cultural heritage, and none are anticipated to be encountered given the location of the development and that the site has been previously cleared and developed. The impacts with regards to the built environment are well considered and discussed within the SEE lodged with the development application.*
  - *“(g) to promote good design and amenity of the built environment”*  
**Comment:** *Despite the ASF breach the proposed alterations and additions are of high architectural merit. They have been sensitively designed and incorporate high-quality finishes. The proposed design is considerate in ensuring compatibility with adjacent and surrounding buildings and is presented appropriately when viewed from the street and parkland area. The appropriate design ensures no unreasonable adverse environmental impacts will result from the proposed works, including in terms of privacy, view sharing, visual intrusion and overshadowing. Given that it will not result in any adverse impacts and will result in a building form that is visually appropriate for its location it will satisfy this object of the Act.*
  - *The ASF breach has no implications for compliance with other key MWRLEP 2012 requirements: The proposal is consistent with all other key MWRLEP 2012 requirements. Building height compliance is ensured, and a low footprint is maintained on site. Overall, the design has been refined and considered in striving to achieve compatibility with both the existing streetscape and the future desired built form of the area. It is also noted that the proposal overall is consistent with the objectives of the B3 zone.*
- 2. **Clause 4.6(4)(a)(ii)** - *The consent authority is satisfied that the proposal will be in the public interest because it is consistent with the objectives of the particular development standard that*

*is contravened and the objectives for development for the zone in which the development is proposed to be carried out.*

**Comment:** It is proposed to vary clause 6.7 - Active Street Frontage of the LEP 2012. The proposal relates to an existing preschool establishment that has operated from the subject site for an extended period of time (approvals for building alterations dating back to the 1980's). The proposal also remains consistent with the objectives of the clause and the B3 Zone. Accordingly, the proposed variation is considered to be in the public interest.

3. **Clause 4.6(4)** - *Council must be satisfied is that the concurrence of the Secretary of the Department of Planning and Environment has been obtained.*

**Comment:** The Secretary's concurrence may be assumed in accordance with Planning Circular PS 18-003 issued on 5 May 2020 which states:

*all consent authorities may assume the Secretary's concurrence under:*

- *Clause 4.6 of a local environmental plan that adopts the Standard Instrument (Local Environmental Plan) Order 2006 or any other provision of an environmental planning instrument to the same effect, or*
- *State Environmental Planning Policy No 1 – Development Standards.*

However, the assumed concurrence is subject to conditions and requires that:

*The Secretary's concurrence may not be assumed by a delegate of council if:*

- *The development contravenes a numerical standard by more than 10%; or*
- *The development contravenes a non-numerical standard.*

...

The purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the Council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation. In this case the secretary's concurrence can be assumed given the variation to clause 6.7 is being reported to a meeting of Council and will not be determined by council staff under delegation.

#### **Clause 5.4 Controls relating to miscellaneous permissible uses**

The proposal does not include any of the listed uses contained under this clause.

#### **Clause 5.10 Heritage Conservation**

As the proposal includes works involving a site within the Heritage Conservation Area, consideration must be given to the relevant heritage significance in accordance with Clause 5.10(4). It is also noted that there are a number of Heritage items in the vicinity of the site, including Robertson Park.

The objectives of the clause and how the proposal achieves the objectives are as follows:

- (b) *To conserve the environmental heritage of Mid-Western Regional,*
- (c) *To conserve the heritage significance of heritage items and heritage conservations areas, including associated fabric settings and views,*

**Comment:** Council's Heritage Advisor has provided advice in relation to the proposal with the following comments provided:

*The proposal is for a contemporary style building linked to the pre-school, which was originally a bowling club. The heritage issue is the impact the proposal will have on the heritage significance of the Mudgee Conservation Area.*

*A heritage conservation area is more than a collection of individual heritage items. It is an area in which the historical origins and relationships between the various elements create a sense of place that is worth keeping.*

*The Mudgee Conservation Area includes*

- the historic town centre, an area of largely intact buildings and landscaped public places from the Victorian, Federation and inter-war periods, and*
- suburban tree-lined streets with a heterogeneous range of Victorian, Federation and inter-war houses, unified by a consistency of siting, scale, form, building elements and materials.*

*The Conservation Area has historical significance, demonstrating the pattern of development of the town centre and of suburban housing over those periods; aesthetic significance as a heterogeneous yet coherent group of good examples of architectural styles; and social significance, being highly valued by the community.*

*The former bowling club has been much altered and extended, but remains a contributory building in the Conservation Area.*

*A more conservative approach to designing the new building might have used rectilinear forms, traditional proportions and hipped or gabled roofs, while avoiding replication of traditional details. However the designer has articulated a clear rationale for the design, and there is no reason, in principle, why a contemporary approach cannot be successful. The need is to ensure that the new building, while retaining its own integrity, is not unduly dominant, and the visual and spatial relationships with the streetscape and nearby items are satisfactory.*

*The main question is the view from the public domain, though the new building will also be visible from the park and to its many users from within the site.*

*The scheme has been refined following discussions on site with the designer. The overall form is a variation on the traditional skillion, the difference being that the main ridge is not horizontal because the plan is not rectangular. In practice, given the sightlines and the presence of landscaping, this will not be a distraction. The length of wall facing Perry Street, relieved by two vertically proportioned openings and another small one, is satisfactory given the commercial scale of this part of the street.*

*The proposal is supported.*

Further to the above, the removal of (2) trees planted by the centre within the boundaries of the site to facilitate the new building work is supported in the circumstances of the case as their removal is not considered to adversely impact on the heritage significance of the Mudgee conservation area.

(d) *To conserve archaeological sites,*

(e) *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

**Comment:** The proposed development will not impact on any known archaeological sites, aboriginal objects or aboriginal places of heritage significance. Notwithstanding this, a condition will be included on the consent ensuring that works cease should any unexpected artefacts be uncovered during construction.

*Clause (4) Effect of proposed development on heritage significance*

**Comment:** Subclause 4 requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned. As mentioned above, the proposal is considered to be appropriately designed and sited with Council's Heritage Advisor supporting the revised design plans submitted to Council.

**Clause 5.21 Flood planning**

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

**Clause 6.1 Salinity**

The proposal only involves minimal earthworks and is not expected to significantly affect the process of salinisation.

Additionally, as the proposal involves a concrete slab, a condition of consent has been included requiring the slab to be designed appropriately to minimise the impacts of salts in the ground on the building.

**Clause 6.3 Earthworks**

The proposal involves only minor earthworks to prepare the site for the development. The works are not expected to generate any significant impacts as listed in Clause 6.3(3). Conditions of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

**Clause 6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

**Clause 6.5 Terrestrial biodiversity**

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

**Clause 6.7 Active street frontages**

The subject site is located within the area mapped as 'Active street frontage' pursuant to the LEP mapping. As noted under the clause 4.6 variation assessment above, the proposal will not result in any ground floor area being used for the purposes of a business premise or retail premises, rather, the development seeks alterations and additions to an existing child care centre. The development is considered to continue to attract pedestrian traffic in this location, achieving the objectives of the clause along with continuing to achieve the objectives of the commercial core zone.

**Clause 6.8 Airspace operations – Mudgee Airport**

The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

**Clause 6.9 Essential Services**

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development.

**Clause 6.10 Visually sensitive land near Mudgee**

The land is not located within the area identified within the visually sensitive land map.

**4.15(1)(a) Requirements of Regulations and Policies**

*(ii) Draft environmental planning instruments (EPI)*

No draft environmental planning instruments apply to the land to which the Development Application relates.

*(iii) Any development control plans*

**Mid-Western Regional DCP 2013**

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

**Part 4.4 Signs**

No signage is proposed as part of this development application. Signage currently exists on the subject building to clearly identify the centre.

**Part 4.5 Commercial Development**

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMPLIES?</b>
<b>Building setbacks</b>	
Building setback from the street – no minimum	Yes, compliance is achieved.
Side and rear setbacks must comply with BCA	To be conditioned in accordance with the BCA.
<b>Signage</b>	
Signage complies with relevant provisions in section 4.4 DCP 2013	Not applicable
<b>Design</b>	
Buildings interact with the street	Yes. Windows incorporated.
On active street frontages, ground level of building used for business or retail premises	No – variation sought under clause 4.6 as noted within this report.
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes. The proposal seeks to incorporate suitable materials and windows elements within the Perry Street frontage.
Heritage inclusions	Yes. As noted within the clause 5.10 LEP assessment, the siting and design of the development is considered appropriate.
External plant to be screened from public	Yes. Condition of consent to be imposed.
Development on a corner – includes architectural features to address both streets	Yes, compliance is achieved.
Landscape buffers to other zones	Proposed works not on zone boundary portion of the site
<b>Scale form and height</b>	
Complies with LEP height controls – 8.5m maximum height	Yes, compliance is achieved.
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Yes, compliance is achieved.
<b>Mortimer and Church Street, Mudgee</b>	

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMPLIES?</b>
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable
Provides variance particularly on upper floor levels, every 20-25m	Not applicable
<b>Articulation and Façade Composition</b>	
Breaks visual bulk with fenestration or change in materials etc	The development, in accordance with the clause 5.10 assessment does not result visual bulk or dominate the streetscape.
No excessive blank walls in front façade	Yes, compliance is achieved.
Where blank walls are proposed (side or rear) ,minimise impacts with landscaping, patterning of façade, signage, public art	Not applicable.
<b>Residential–Commercial interface</b>	
Landscape buffer to residential boundaries	Not applicable.
Ground and first floor do not overlook residential properties	Not applicable.
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Not applicable.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Not applicable.
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Not applicable.
<b>Utilities and Services</b>	
Building and structures located clear of infrastructure	Yes, compliance is achieved.
Able to be serviced by water, sewer and waste disposal	Yes, compliance is achieved.
Trade waste application required?	Not applicable
<b>Traffic and Access</b>	
All vehicles must be able to enter and exit the site in a forward direction	Not applicable
All vehicle movement paths are sealed	Not applicable
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Not applicable
All loading facilities located within the site	Not applicable
All loading facilities designed to comply with Australian Standards	Not applicable
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Not applicable
<b>Pedestrian Access</b>	
Maintain existing covered pedestrian access within town centres	Covered access and pedestrian pathways retained.
Convenient and safe access through parking areas	No changes to parking areas impacted by the proposal.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Links to other sites not altered
<b>Parking</b>	
Discussed elsewhere in report	Yes, compliance is achieved.
<b>Landscaping</b>	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Not applicable
Landscaping to comprise low maintenance, drought and frost resistant species	Not applicable

**Part 4.7 Tree Preservation Order**

No trees listed under the Tree Preservation Order are proposed to be removed.

**Part 5.1 Car Parking**

The Development Control Plan 2013 requires the following parking rates for a child care centre:

- 1 space per 4 children.

The applicant contends that there is no proposed increase to the current number of children attending the centre. As a result, there are no additional requirements for parking to be provided to support the development.

**Part 5.2 Flooding**

Not Applicable

**Part 5.3 Stormwater Management**

Council’s Development Engineer has provided comments and conditions concerning adequate disposal of stormwater.

**Part 5.4 Environmental Controls**

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

**Section 7.11 Contributions**

**Mid-Western Regional Contributions Plan 2019**

Pursuant to Council’s Contributions Plan 2019, the development is proposing alterations and additions to the existing child care centre with an estimated cost of works totalling \$556,345.94. In accordance with the Plan, the development requires payment the following contributions in accordance with Section 7.12 of the EP&A Act:

- \$556,345.94 x 1% = \$5,563.46

An appropriate condition has been imposed requiring payment of the contribution.

**Section 64 - Water/Sewer Developer Services Charges**

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges calculated for commercial additions (including bathroom facilities) comprising 105.8m<sup>2</sup>. This results in the following calculations at a rate 0.1ET per 100m<sup>2</sup> of floor area as follows:

<b>Section 64 Contributions</b>	
---------------------------------	--

Water Headworks	\$ 1,027.64
Sewer Headworks	\$ 469.12
<b>Total Headworks</b>	<b>\$ 1,496.75</b>

An appropriate condition has been imposed requiring payment of the contribution.

**4.15(1)(a) Provisions of any Planning Agreement or Draft Planning Agreement – (1)(a)(iiiia)**

No Planning Agreements are applicable.

**Regulations –4.15(1)(a)(iv)**

**Environmental Planning and Assessment Regulation 2021**

Clause 61(1) requires Council to consider Australian Standard AS2601-2001: *The Demolition of Structures* when consent is sought for demolition. The application includes demolition and compliance with AS2601 has been included as a condition of consent.

**Likely impacts of the development – 4.15(1)(b)<sup>1</sup>**

<sup>1</sup> Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**(a) Context and Setting**

The proposal is appropriate with regards to the surrounding context and setting.

**(b) Access, Transport and Traffic**

The implications of additional traffic and suitable access are discussed throughout this report. The proposal is considered appropriate.

**(c) Public Domain**

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

**(d) Utilities**

All relevant utilities are available or can be made readily available to the site.

**(e) Heritage**

The impact of the development on the Mudgee Heritage Conservation Area and heritage items in the vicinity of the site have been discussed throughout this report. The proposal is considered appropriate.

**(f) Other Land Resources**

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.

**(g) Water**

No significant impact expected.

**(h) Soils**

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation.

**(i) Air and Microclimate**

The development is not expected to impact air quality or microclimatic conditions.



**(j) flora and fauna**

The vegetation proposed to be removed has been discussed throughout this report.

**(k) Waste**

Waste service available.

**(l) Energy**

Not applicable.

**(m) Noise and Vibration**

The proposed additional building for use by children of the facility is not considered to increase any noise or vibration in this location. Further, no increase in children numbers are sought by the proposal.

**(n) Natural Hazards**

The development site is not identified as bushfire prone or flood prone and there are no known subsidence, slip or mass movement issues.

**(o) Technological Hazards**

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

**(p) Safety, Security and Crime Prevention**

Increased passive surveillance as a result of the proposed development.

**(q) Social Impact in the Locality**

Generally positive.

**(r) Economic Impact in the Locality**

Generally positive.

**(s) Site Design and Internal Design**

Adequate as discussed throughout this report.

**(t) Construction**

To comply with the BCA where relevant.

**(u) Cumulative Impacts**

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

**Suitability of Site for Development – 4.15(1)(c)**

**(a) Does the proposal fit in the locality?**

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

**(b) Are the Site Attributes conducive to Development?**

Yes. The site is not subjected to any natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

**Submissions made in accordance with Act or Regulations – 4.15(1)(d)**

**(A) Public Submissions**

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submission/s were received.

The applicant lodged amended plans during the assessment process as a result of the Heritage and Health and Building referral responses received. However, the changes were not considered significant enough with regards to implications on adjoining neighbours and re-notification of the proposal was not considered necessary.

**(b) Submissions from Public Authorities**

No submissions were sought or received from public authorities.

**The Public Interest – 4.15(1)(e)**

**(a) Federal, State and Local Government interests and Community interests**

No significant issues in the interests of the public are expected as a result of the proposed development.

**Consultations**

**(A) Health and Building**

Council's Health & Building Surveyor has not raised any concerns with the proposal, subject to standard conditions.

**(B) Technical Services**

Council's Development Engineer has not raised any concerns with the proposal subject to standard conditions.

**(C) Heritage Advisor**

Council's Heritage Advisor has not raised any concerns with the proposal subject to standard conditions.

**(D) Access committee**

No consultation necessary.

**Summary**

The proposed development generally complies with the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021*, relevant State Environmental Planning Policies, Mid-Western Regional Council Development Control Plan 2013 and Mid-Western Community Participation Plan 2019.

The variation to clause 6.7 of the Mid-Western Local Environmental Plan 2012 is supported by staff as strict compliance with the non-numerical standard for an 'active street frontage', given the historical use of the site as a child care centre, is considered unreasonable and unnecessary in the circumstances of the case whilst also achieving compliance with the objectives of the zone.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submission/s were received. The development is therefore considered to be within the public interest.

The application is therefore recommended for approval subject to the attached conditions of consent.

## Community Plan implications

<b>Theme</b>	<b>Protecting Our Natural Environment</b>
Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Mid-Western Development Control Plan 2013

Community Participation Plan 2019

Mid-Western Regional Contributions Plan 2019

### **Legislation**

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulations 2021

Mid-Western Regional Local Environmental Plan 2012

## Financial implications

Nil.

## Associated Risks

Should Council refuse the application, the applicant may seek further review of this decision or appeal through the Land and Environment Court.

KAYLA ROBSON  
PLANNING COORDINATOR

ALINA AZAR  
DIRECTOR DEVELOPMENT

LINDSAY DUNSTAN  
MANAGER PLANNING

6 September 2023

*Attachments:*

1. Development Plans. (separately attached)
2. Clause 4.6 Variation Report. (separately attached)
3. Statement of Environmental Effects. (separately attached)
4. Access Report. (separately attached)

### APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER ACTING GENERAL MANAGER

## 8.4 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, A0420109

### RECOMMENDATION

**That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined.**

### Executive summary

The report presented to Council each month is designed to keep Council informed of the current activity in relation to development assessment and determination of applications.

### Disclosure of Interest

Nil

### Detailed report

Included in this report is an update for the month of August 2023 Development Applications determined and Development Applications processing.

The report will detail:

- Total outstanding development applications indicating the proportion currently being processed and those waiting for further information;
- Median and average processing times for development applications;
- A list of determined development applications;
- Currently processing development applications and heritage applications; and
- Variations to the Mid-Western DCP.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the region

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

**Legislation**

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN  
MANAGER PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

1 September 2023

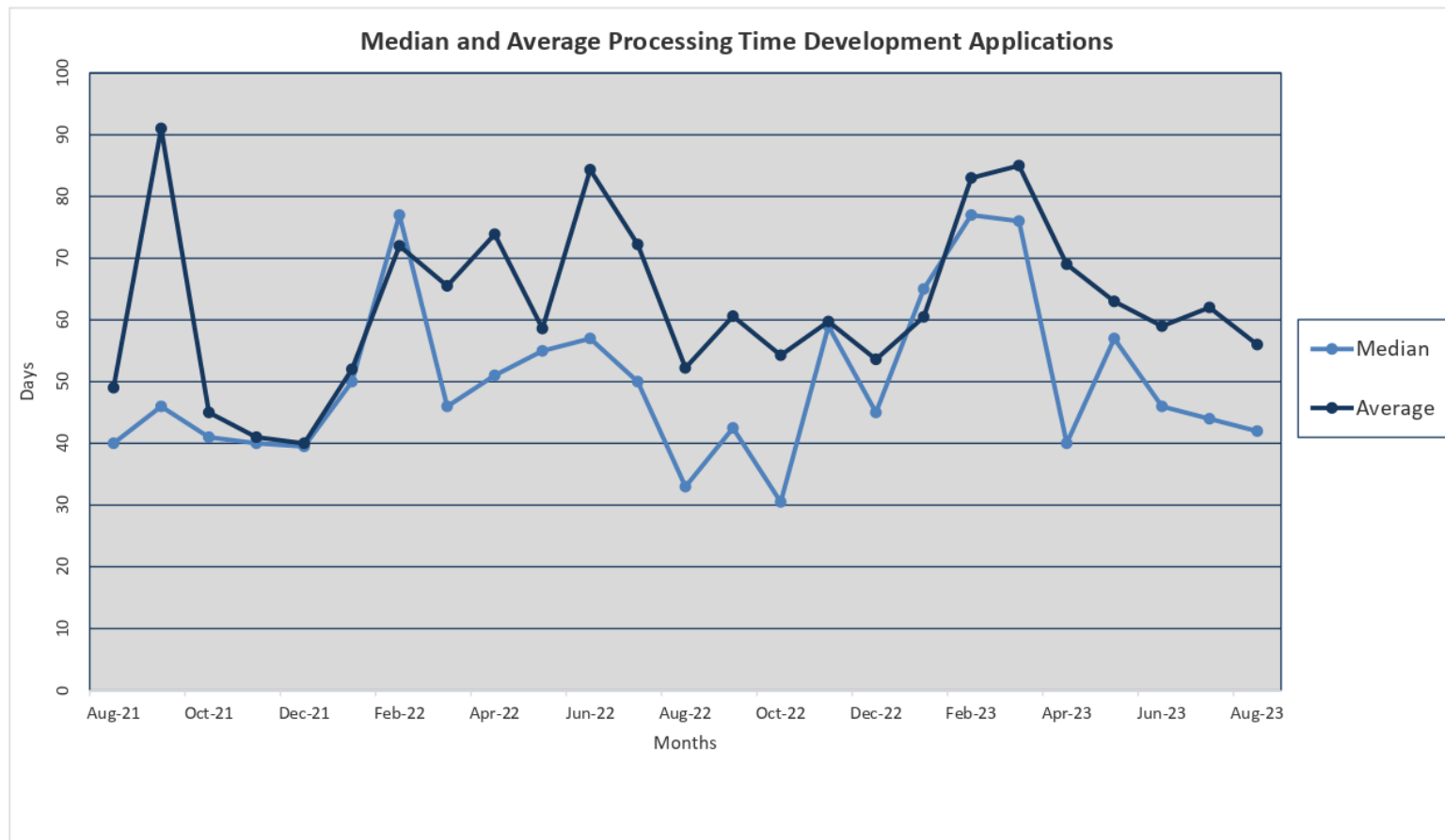
*Attachments:* 1. Monthly Development Applications Processing and Determined - August 2023.

APPROVED FOR SUBMISSION:

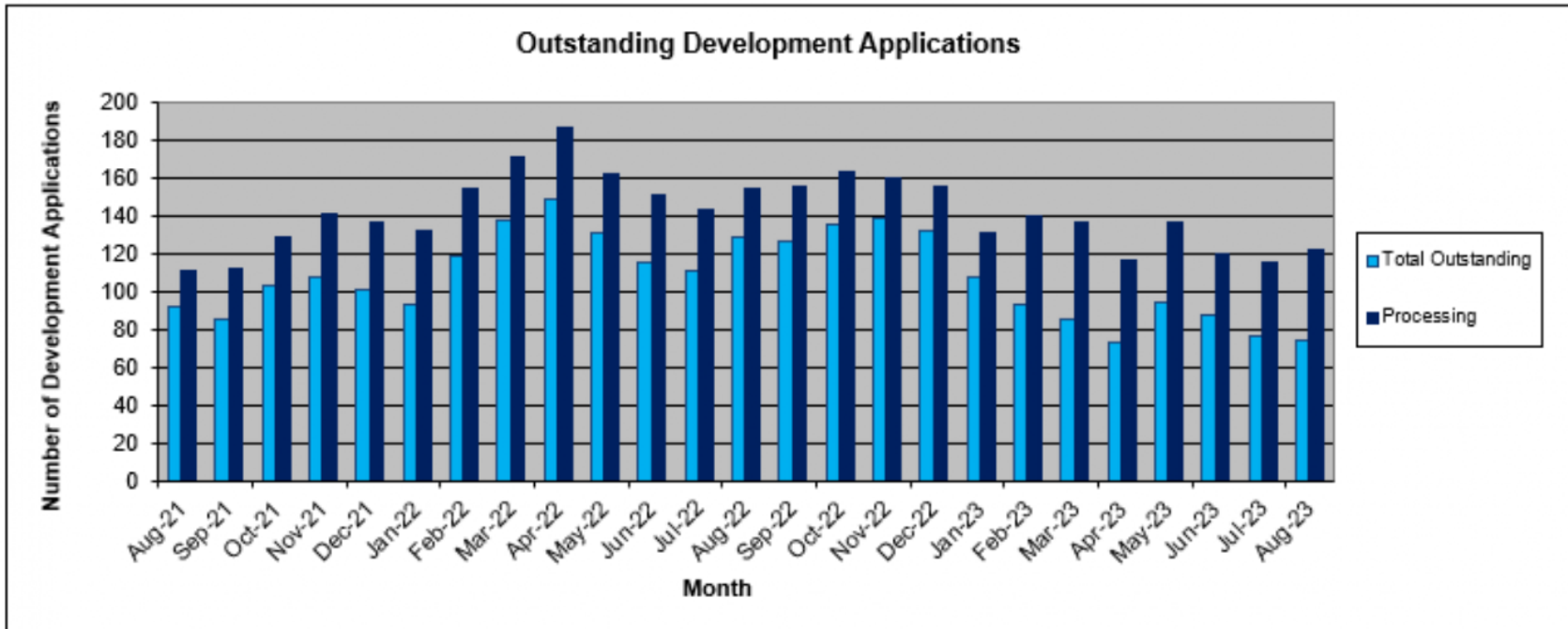
JULIAN GEDDES  
ACTING GENERAL MANAGER

## Monthly Development Application Processing Report –August 2023

This report covers the period for the month of August 2023. Graph 1 indicates the processing times up to 31 August 2023 with the month of August having an average of 56 days and a median time of 42 days.



## Monthly Development Application Processing Report –August 2023



Graph 2 indicates the total number of outstanding applications, the number currently being processed is 75 and the number on “stop clock” is 47.

The Planning and Development Department determined 25 Development Applications either by Council or under delegation during August 2023.

## Monthly Development Application Processing Report –August 2023

### Development Applications Determined – August 2023

Appl/Proc ID	Description	House No	Street Name	Locality
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS NSW 2848
DA0087/2022	Demolition	33	Horatio Street	MUDGEE NSW 2850
DA0215/2023	Dual Occupancy	12	Flinders Avenue	MUDGEE NSW 2850
DA0220/2023	Signage	27	Sydney Road	MUDGEE NSW 2850
DA0254/2023	Dwelling (Manufactured) Tourist Accommodation (3 units)	1928	Goolma Road	TWO MILE FLAT NSW 2852
DA0303/2023	Subdivision - Torrens Title	8	Pirie Close	MUDGEE NSW 2850
DA0344/2023	Shed	186	Lesters Lane	PIAMBONG NSW 2850
DA0350/2023	Subdivision - Torrens Title	4	Church Street	MUDGEE NSW 2850
DA0360/2023	Secondary dwelling	27	Gladstone Street	MUDGEE NSW 2850
DA0382/2023	Home business	5	Yamble Close	MUDGEE NSW 2850
DA0393/2023	Shed	151	Robertson Street	MUDGEE NSW 2850
DA0399/2023	Shed	4	Page Street	BOMBIRA NSW 2850
DA0401/2023	Swimming Pool	30	Tallawang Street	GULGONG NSW 2852
DA0404/2023	Shed	1	Nelthorpe Street	BOMBIRA NSW 2850
DA0410/2023	Dwelling House	5	Robert Jones Street	MUDGEE NSW 2850
DA0004/2024	Alterations & Additions	11	Market Street	MUDGEE NSW 2850
DA0005/2024	Dwelling House	5571	Hill End Road	HARGRAVES NSW 2850
DA0017/2024	Dwelling House	5	Nelthorpe Street	BOMBIRA NSW 2850
DA0019/2024	Alterations & Additions	1768	Windeyer Road	WINDEYER NSW 2850
DA0024/2024	Alterations & Additions	16	Alexander Dawson Court	MUDGEE NSW 2850
DA0029/2024	Shed	32	Redbank Road	MUDGEE NSW 2850
DA0042/2024	Dwelling House	18	Webster Street	BOMBIRA NSW 2850
DA0046/2024	Shed	36	Lesters Lane	CULLENBONE NSW 2850
DA0057/2024	Shed	488	Hill End Road	ERUDGERE NSW 2850
DA0058/2024	Shed	16	Saleyards Lane	MUDGEE NSW 2850



## Monthly Development Application Processing Report –August 2023

**\*NOTE – Two Development Applications were approved with a variation to the DCP as listed below:**

DA number	Number of DCP variation(s)	Level of variation
DA0043/2023	1	>10%
DA0303/2023	1	>10%

**Development Applications currently being processed – August 2023.**

App/Proc ID	Description	House No	Street Name	Locality
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use - shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping Ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use to Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use to Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0226/2022	Garage	12	Wandoona Court	MUDGEE NSW 2850
DA0329/2022	Demolition and Construction of Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0406/2022	Subdivision - Torrens Title	36	Tinja Lane	PUTTA BUCCA NSW 2850
DA0417/2022	Alterations, Additions & Demolition to Commercial	59	Church Street	MUDGEE NSW 2850
DA0027/2023	Demolition	134	Lions Drive	BURRUNDULLA NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0068/2023	Shed	688	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0074/2023	Industrial Building	38	Hill End Road	CAERLEON NSW 2850
DA0090/2023	Dwelling House	1121	Ulan Road	BUDGEE BUDGEE NSW 2850
DA0190/2023	Subdivision - Torrens Title	132	Bruce Road	MUDGEE NSW 2850

## Monthly Development Application Processing Report –August 2023

DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0221/2023	Dwelling House	655	Black Springs Roa	BUDGEE BUDGEE NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEES NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEES NSW 2850
DA0267/2023	Turners Lane	48	Turners Lane	GULGONG NSW 2852
DA0268/2023	Shed	267	Ulan Road	BOMBIRA NSW 2850
DA0271/2023	Secondary Dwelling	8	Avisford Court	MUDGEES NSW 2850
DA0280/2023	Alterations and additions to existing preschool	2	Lovejoy Street	MUDGEES NSW 2850
DA0286/2023	Warehouse Units (8 units)	38	Hill End Road	CAERLEON NSW 2850
DA0287/2023	Warehouse Units x 10	38	Hill End Road	CAERLEON NSW 2850
DA0295/2023	Dwelling House	120	Market Street	MUDGEES NSW 2850
DA0296/2023	Dwelling House	171	Ridge Road	COOKS GAP NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0303/2023	Subdivision - Torrens Title	8	Pirie Close	MUDGEES NSW 2850
DA0304/2023	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0324/2023	Subdivision - Torrens Title	139	Robertson Street	MUDGEES NSW 2850
DA0333/2023	Alterations to the Existing Caravan Park	8	Bell Street	MUDGEES NSW 2850
DA0343/2023	Conversion of two existing cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0354/2023	Swimming Pool	53	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0363/2023	Alterations and Additions to Caravan Park	3	3-5 Carwell Street	RYLSTONE NSW 2849
DA0364/2023	Telecommunications facility	0	Upper Bylong Road	UPPER BYLONG NSW 2849
DA0368/2023	Industrial Building	38	Hill End Road	CAERLEON NSW 2850
DA0369/2023	Subdivision - Torrens Title	33	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0371/2023	Dwelling House	127	Madeira Road	MUDGEES NSW 2850
DA0378/2023	Serviced Apartments (2)	713	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0381/2023	Dwelling House	435	Nullo Mountain Road	OLINDA NSW 2849
DA0384/2023	Dual Occupancy	43	Knox Crescent	CAERLEON NSW 2850
DA0385/2023	Dwelling House	176	Kaludabah Road	PIAMBONG NSW 2850
DA0387/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850

## Monthly Development Application Processing Report –August 2023

DA0392/2023	Community Facility	1164	Coxs Creek Road	COXS CREEK NSW 2849
DA0394/2023	Alterations and additions to industrial developmnt	4	Industrial Avenue	GULGONG NSW 2852
DA0398/2023	Garage	174	Church Street	MUDGEE NSW 2850
DA0400/2023	Multi dwelling housing	24	Cox Street	MUDGEE NSW 2850
DA0407/2023	Subdivision - Torrens Title	417	Cope Road	STUBBO NSW 2852
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0411/2023	Shed	18	Webster Street	BOMBIRA NSW 2850
DA0001/2024	Subdivision - Torrens Title	547	Gollan Road	GOOLMA NSW 2852
DA0002/2024	Swimming Pool	79	White Rock Road	RYLSTONE NSW 2849
DA0006/2024	Dwelling	374	Coxs Creek Road	RYLSTONE NSW 2849
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0010/2024	Dwelling House	235	Gladstone Street	MUDGEE NSW 2850
DA0011/2024	Secondary dwelling	108	Saddleback Trail	EURUNDEREE NSW 2850
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Use yard to store towed motor vehicles	8	Industrial Avenue	MUDGEE NSW 2850
DA0018/2024	Secondary dwelling	755	Spring Ridge Road	GULGONG NSW 2852
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0023/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850
DA0027/2024	Alterations & Additions	119	Market Street	MUDGEE NSW 2850
DA0030/2024	Farm building	6580	Ilford Sofala Road	ILFORD NSW 2850
DA0031/2024	Alterations & Additions	29	Belmore Street	GULGONG
DA0032/2024	Subdivision - Torrens Title	211	Dabee Road	KANDOS NSW 2848
DA0033/2024	Shed	36	Redbank Road	MUDGEE NSW 2850
DA0034/2024	Secondary dwelling	34	Lang Street	MUDGEE NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0038/2024	Dwelling House	593	Cope Road	STUBBO NSW 2852
DA0039/2024	Dwelling House	13	Donoghue Street	KANDOS NSW 2848
DA0040/2024	Alterations & Additions	390	Yarrowonga Road	YARRAWONGA NSW 2850
DA0041/2024	Demolition	7	Short Street	RYLSTONE NSW 2849

**Monthly Development Application Processing Report –August 2023**

DA0044/2024	Farm Stay Accommodation	772	Black Willow Road	HARGRAVES NSW 2850
DA0047/2024	Dwelling House	321	Ridge Road	COOKS GAP NSW 2850
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0049/2024	Alterations & Additions	29	George Street	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0052/2024	Subdivision - Torrens Title	24	Hone Creek Drive	CAERLEON NSW 2850
DA0053/2024	Alterations & Additions	971	Green Gully Road	BOCOBLE NSW 2850
DA0056/2024	Dwelling House	1713	Cope Road	COPE NSW 2852
DA0059/2024	Dwelling House	210	Green Gully Road	GREEN GULLY
DA0060/2024	Swimming Pool	36	Bateman Avenue	MUDGEE NSW 2850
DA0061/2024	Swimming Pool	14	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0063/2024	Dwelling House	41	Knox Crescent	CAERLEON NSW 2850
DA0064/2024	Subdivision - Torrens Title	983	Wollar Road	STONY CREEK NSW 2850
DA0070/2024	Change of use - Environmental Facility	48	Old Ilford Road	ILFORD NSW 2850
DA0072/2024	Earthworks	10	Harvey Street	BOMBIRA NSW 2850
DA0073/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0074/2024	Dwelling House	26	Hosking Street	CAERLEON NSW 2850
DA0075/2024	Shed	16	Sturt Street	KANDOS NSW
DA0076/2024	Dual Occupancy	11	Shearman Street	CAERLEON NSW 2850
DA0078/2024	Shed	13	Harvey Street	BOMBIRA NSW 2850
DA0079/2024	Subdivision - Torrens Title	82	Henry Bayly Drive	MUDGEE NSW 2850
DA0081/2024	Dwelling House	17	Shearman Street	CAERLEON NSW 2850
DA0083/2024	Garage	14	Mellon Street	RYLSTONE
DA0084/2024	Dwelling House	521	Ulan Road	EURUNDEREE NSW 2850
DA0086/2024	Industrial Building	5	Sydney Road	MUDGEE NSW 2850
DA0087/2024	Dual Occupancy	43	Suttor Avenue	CAERLEON NSW 2850
DA0090/2024	Alterations & Additions	1238	Pyangle Road	PYANGLE NSW 2850

## Monthly Development Application Processing Report – August 2023

### Heritage Development Applications currently being processed – August 2023.

App/Proc ID	Description	House No	Street Name	Locality
DA0201/2022	Garage	74	Gladstone Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850
DA0251/2023	Alterations & Additions	74	Mayne Street	GULGONG NSW 2852
DA0282/2023	Hotel Accommodation	63	Horatio Street	MUDGEE NSW 2850
DA0375/2023	Secondary dwelling	1	Atkinson Street	MUDGEE NSW 2850
DA0043/2024	Shed	80	Belmore Street	GULGONG NSW 2852
DA0054/2024	Secondary dwelling	38	Lewis Street	MUDGEE NSW 2850
DA0067/2024	Subdivision - Torrens Title	89	Lewis Street	MUDGEE NSW 2850
DA0069/2024	Demolition	67	Market Street	MUDGEE NSW 2850
DA0071/2024	Shed	80	Court Street	MUDGEE NSW 2850
DA0082/2024	Additions to Existing Post Office/General Store	78	Louee Street	RYLSTONE NSW 2849

## 8.5 Policy Review - Local Heritage Grants

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, GRA600012

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Strategic Planning on the Policy Review - Local Heritage Grants; and**
2. **adopt the revised Local Heritage Grants Policy.**

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### Executive summary

The Local Heritage Grants Policy has been reviewed to ensure compliance with relevant legislation and to ensure it is relevant for Council's requirements. There are no significant changes required to the policy.

### Disclosure of Interest

Nil

### Detailed report

The Local Heritage Grants Policy (Policy) has been developed with reference to the NSW Department of Planning and Environment, *Local Government Heritage Grants 2023/25 Funding Guidelines* and the Heritage Council of New South Wales *Recommendations for Local Council Heritage Management*.

The Policy applies to financial assistance applications for Local Heritage Grants for conservation or maintenance works for heritage items, items in conservation areas and significant buildings which enhances the historic character and value of the Mid-Western region.

The revised Policy has been provided as Attachment 1 and demonstrates no significant changes are proposed, accordingly it is recommended the Policy, as attached be adopted. The only changes are tracked in the document, they include the slight update to the 'timeline' detailed on page 2 of the Policy.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our region and heritage value of our towns

## Strategic implications

### **Council Strategies**

Not applicable.

### **Council Policies**

Not applicable.

### **Legislation**

Not applicable.

## Financial implications

Not applicable.

## Associated Risks

The adoption of the Policy allows staff to make sound local heritage grant allocation recommendations.

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

5 September 2023

*Attachments:* 1. Draft Reviewed Local Heritage Grants Policy.

### APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER



## POLICY Local Heritage Grants

*A prosperous  
and progressive  
community.*

<b>ADOPTED</b>		VERSION NO	<b>1.12</b>
COUNCIL MEETING MIN	<b>313/19</b>	REVIEW DATE	<b>OCTOBER 2027<sup>3</sup></b>
DATE:	<b>16-OCTOBER-2019</b>	FILE NUMBER	<b>GRA600012, GOV400047</b>

### Objective

The objective of this policy is to support heritage conservation and maintenance projects that respect and enhance the historic character of our region and heritage value of our towns.

### Policy

The Local Heritage Grants program provides funding to landowners for maintenance and conservation works to heritage items, items in conservation areas as identified within Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012 and significant buildings.

The Local Heritage Grants program supports projects which relate specifically to conservation and maintenance works and/or upgrades (fire, services and access) which satisfy the Building Code of Australia requirements for ongoing and new uses.

### Eligibility Criteria

- Only owners and managers of heritage items, items in a heritage conservation area, or significant buildings can apply for Local Heritage Grants funding.
- Applicants can apply for grant funding for amounts between \$500 and \$5,000 on a matched dollar for dollar basis.
- There will be one application period per financial year.
- Applications should be received and successful projects completed according to the timeline below.

### Funding Priorities

Priority will be given to projects which have been considered by Council's Heritage Advisor, Heritage Committee and involve:

- Heritage item(s) in a well maintained heritage streetscape or landscape setting.
- Heritage item(s) with public access and visibility.
- Urgent maintenance works to avert management risks eg. severe deterioration, demolition or demolition by neglect.
- Item(s) that are part of a heritage group or precinct.
- Upgrades to fire, service and access to achieve compliance with the Building Code of Australia.
- Ongoing or adaptive reuse of heritage item(s).
- Items that have not received Council funding support in the last five years.



POLICY: LOCAL HERITAGE GRANTS | 1.21.0, 8 JULY 2016

Form  
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Form  
Form  
Form  
Form

It is noted that whilst priority will be given to projects which have not received funding support in the last five years, Council may at its discretion provide funding if there is a high level of benefit in achieving the objectives of the program.

### Application Guidelines

#### APPLICANTS MUST:

- Read the application form to understand the information to be submitted and determine whether the project satisfies the funding requirements.
- Conduct background research on the relevant heritage item/building which can be used to support the project proposal.
- Prepare a project plan which lists the individual project activities to be completed as part of the project.
- Obtain and attach two quotes for each of the individual project activities.
- Ensure that plans and sketches relevant to the size of the project are prepared and submitted in support of the application.
- Discuss the project with Council to determine whether development consent is required prior to any works commencing.
- Take “before the project” photographs which are submitted with the application.
- Complete the application form and keep a copy for record keeping purposes.
- Address the following selection criteria:
  - Demonstrate that the project will deliver sustainable long-term heritage benefits.
  - Demonstrate that the project will deliver a public benefit and enjoyment.
  - Demonstrate innovation and leadership in heritage conservation.

#### INELIGIBLE APPLICATIONS/ACTIVITIES (BY DISCRETION OF COUNCIL):

- Projects not located within the Mid-Western LGA.
- State government agencies unless they are involved as a project partner.
- Funding cannot be for new buildings, routine maintenance (eg. lawn mowing, gutter or carpet cleaning), new commemorative monuments, purchase of heritage buildings or equipment, relocation of buildings or works to relocate buildings, private headstones (unless there is no possibility of descendent support), flood lighting of buildings, moveable railway heritage items.

#### Timeline

	Timing
Applications open	Jul/ <u>Aug</u>
Applications close	Aug/ <u>Sept</u>
Report to Council Meeting (depending on meeting timing)	Sept/Oct
Funding released (on receipt of invoice/s)	Sept/Oct
Date for completion of funded projects	April

## Item 9: Corporate Services

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### 9.1 Quarterly Budget Review - June 2023

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400098, FIN300240

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Chief Financial Officer on the Quarterly Budget Review - June 2023; and**
  2. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**
- 

#### Executive summary

This is the final budget review for the 2022/23 Operational Plan. The attachment to this report provides commentary on the unaudited financial position and performance against budget, as at 30 June 2023.

#### Disclosure of Interest

Nil

#### Detailed report

Whilst the Local Government Regulation 2005 does not require a budget review statement for the June quarter it is managements' determination that a review of the 2022/23 actual performance to approved budget is provided to Council. As the 2022/23 financial statements are currently in draft format the review has been performed against the unaudited balances. Some sections of the midyear Quarterly Budget Review Statement such as Income Statement, Balance Sheet and Key Financial Indicators have been removed as final reporting will be provided in the audited financial statements.

Once audited financial statements are presented to Council, the actual variances to the original budgets can be found on the Income Statement and the Statement of Cash Flows. The Material budget variations note also provides commentary on material variations.

#### Community Plan implications

<b>Theme</b>	<b>Good Government</b>
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Goal	An effective and efficient organisation
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Strategy Prudently manage risks association with all Council activities

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## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Not Applicable

### **Legislation**

The Local Government (General) Regulation 2005 section 203(2) requires a budget review statement must include or be accompanied by:

- a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regards to the original estimate of income and expenditure; and
- b) if that position is unsatisfactory, recommendations for remedial action.

## Financial implications

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*It is my opinion as the Responsible Accounting Officer that the financial position of Mid-Western Regional Council as at 30 June 2023 is satisfactory, having regard to the original estimates of income and expenditure, and actuals, for the 2022/23 financial year.*

## Associated Risks

Not Applicable

NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

28 August 2023

*Attachments:* 1. Quarterly Business Review June 2023 (Late Attachment Pending).

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

**Placeholder for Attachment 1**  
**Quarterly Budget Review - June 2023**  
**Quarterly Business Review June 2023 (Late Attachment**  
**Pending)**  
**0 Pages**

## 9.2 Monthly Statement of Investments as at 31 August 2023

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300053

### RECOMMENDATION

#### That Council:

1. receive the report by the Chief Financial Officer on the Monthly Statement of Investments as at 31 August 2023; and
2. note the certification of the Responsible Accounting Officer.

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### Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements, provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

### Disclosure of Interest

Nil

### Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 August 2023.

### Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

#### Legislation

As per Clause 212 of the Local Government (General) Regulation 2021 the Responsible Accounting Officer certifies that:

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act; and
- b) all investments have been made in accordance with the Act and the regulations.

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

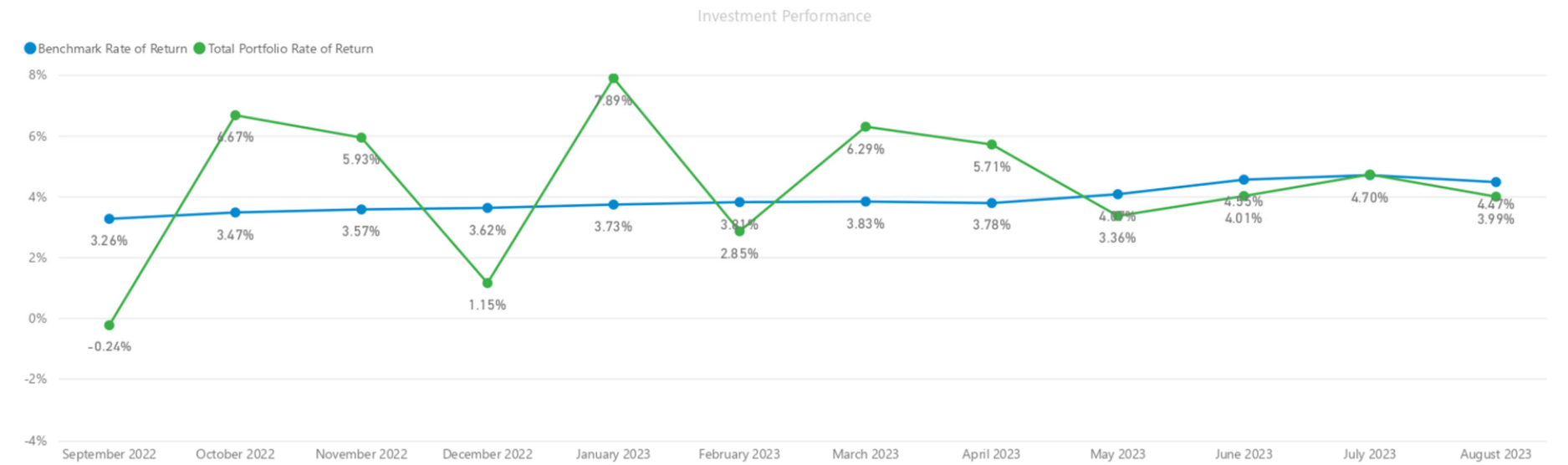
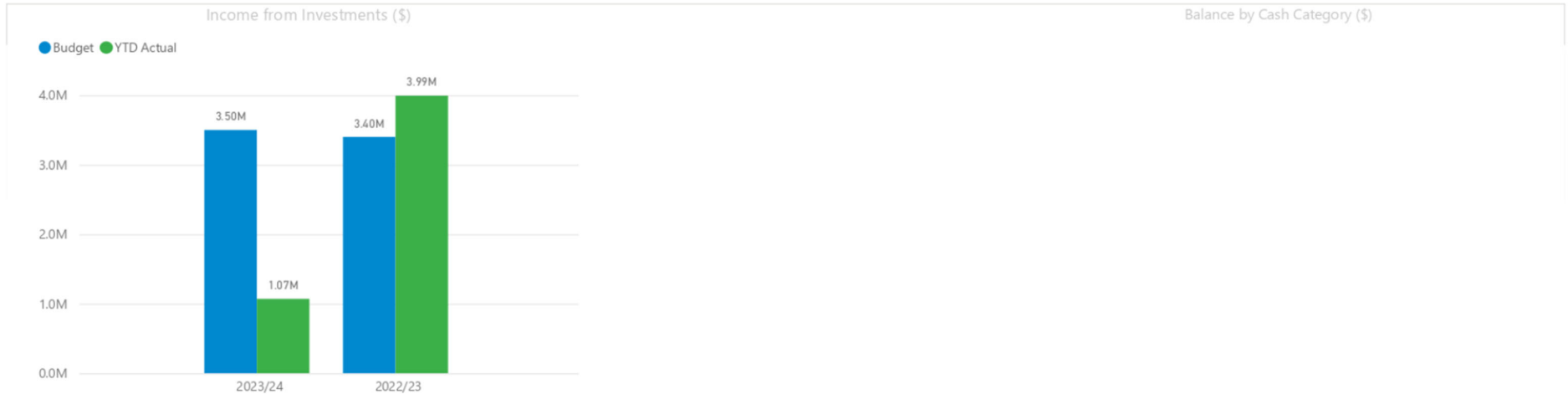
31 August 2023

*Attachments:* 1. Investments as at 31 August 2023.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER







Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 34,801,761	24%	24%	20%	OK
Between 3 months and 1 year	\$ 80,000,000	54%	78%	40%	OK
Between 1 year and 2 years	\$ 29,200,000	20%	98%	50%	OK
Between 2 years and 4 years	\$ 3,000,000	2%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
<b>Total</b>	<b>\$ 147,001,761</b>				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	23%	\$ 34,400,000
	NAB	40%	OK	17%	\$ 25,274,479
	Westpac	40%	OK	14%	\$ 20,000,000
A+	Macquarie	20%	OK	1%	\$ 1,500,000
A	ING	20%	OK	16%	\$ 23,500,000
	Australian Military Bank				
BBB+	Bank	10%	OK	1%	\$ 1,000,000
	Australian Unity Bank Of Queensland Bendigo & Adelaide Bank	10%	OK	7%	\$ 10,500,000
	Bank	10%	OK	7%	\$ 11,000,000
	MyState Bank	10%	OK	1%	\$ 2,000,000
BBB	AMP	5%	OK	3%	\$ 5,000,000
	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,298,096
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 5,967,342
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,561,844
<b>Grand Total</b>				<b>100%</b>	<b>\$ 147,001,761</b>

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	54%	\$ 79,674,479
BBB+	20%	OK	18%	\$ 26,500,000
BBB	5%	OK	3%	\$ 5,000,000
TCorp Growth Funds	15%	OK	6%	\$ 9,265,438
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,561,844
A+ to A	50%	OK	17%	\$ 25,000,000
<b>Grand Total</b>			<b>100%</b>	<b>\$ 147,001,761</b>

**Monthly Investment Portfolio Activity**

The below table shows investments activities of At Call Fund and Managed Funds

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	7,253,729		6,474,479
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	3,307,242		3,298,096
TCorp - Medium Term Growth Fund	5,948,353		5,967,342
Tcorp - Short Term Income Fund	1,553,737		1,561,844
<b>Total</b>	<b>18,063,061</b>	<b>-</b>	<b>17,301,761</b>

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	4.52%	2/08/2023	2,000,000	22,050
NAB	1.51%	30/08/2023	2,500,000	55,022
CBA	3.99%	16/08/2023	1,500,000	59,686
<b>Total</b>			<b>6,000,000</b>	<b>136,758</b>

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Bank Of Queensland	5.28%	6/11/2024	2,500,000	167,079
NAB	5.30%	31/07/2024	2,000,000	105,710
NAB	5.22%	2/10/2024	1,800,000	106,316
CBA	5.36%	16/10/2024	2,400,000	148,024
NAB	5.15%	1/05/2024	1,000,000	34,568
NAB	5.22%	30/10/2024	2,500,000	152,667
<b>Total</b>			<b>12,200,000</b>	<b>714,365</b>

**At Call Fund and Managed Funds**

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.25%	\$ 6,474,479	0
TCorp - Long Term Growth	3.00%	\$ 3,298,096	5
TCorp - Medium Term Grow	3.00%	\$ 5,967,342	5
Tcorp - Short Term Income	3.00%	\$ 1,561,844	5
<b>Total</b>		<b>\$ 17,301,761</b>	

**Current Term Deposits**

Institution	Yield	Term to Maturity	Principal Amount
AMP	4.70%	83	\$ 1,500,000
AMP	4.70%	34	\$ 1,000,000
AMP	4.90%	202	\$ 2,500,000
Australian Military Bank	5.10%	328	\$ 1,000,000
Australian Unity	3.50%	111	\$ 2,000,000
Australian Unity	4.35%	90	\$ 2,000,000
Australian Unity	4.10%	181	\$ 1,500,000
Australian Unity	4.30%	153	\$ 2,000,000
Australian Unity	4.50%	223	\$ 2,000,000
Australian Unity	5.60%	342	\$ 1,000,000
Bank Of Queensland	3.92%	209	\$ 1,000,000
Bank Of Queensland	4.25%	83	\$ 1,000,000
Bank Of Queensland	4.55%	209	\$ 1,500,000
Bank Of Queensland	5.52%	356	\$ 1,500,000
Bank Of Queensland	5.62%	370	\$ 1,500,000
Bank Of Queensland	5.62%	384	\$ 2,000,000
Bank Of Queensland	5.28%	433	\$ 2,500,000
Bendigo & Adelaide Bank	5.30%	349	\$ 2,000,000
CBA	0.72%	279	\$ 2,000,000
CBA	0.77%	377	\$ 1,000,000
CBA	0.85%	419	\$ 2,500,000
CBA	3.05%	237	\$ 2,000,000
CBA	2.63%	41	\$ 1,500,000
CBA	2.75%	13	\$ 1,500,000
CBA	4.15%	300	\$ 2,000,000
CBA	4.20%	69	\$ 1,500,000
CBA	4.47%	104	\$ 2,000,000
CBA	4.52%	272	\$ 1,000,000
CBA	4.55%	97	\$ 2,000,000
CBA	4.63%	293	\$ 4,000,000
CBA	4.76%	139	\$ 1,500,000
CBA	4.71%	6	\$ 4,000,000
CBA	5.05%	188	\$ 3,500,000
CBA	5.36%	412	\$ 2,400,000
ING	4.62%	307	\$ 1,500,000
ING	5.10%	559	\$ 3,500,000
ING	4.57%	405	\$ 2,500,000
ING	4.90%	272	\$ 4,000,000
ING	5.05%	321	\$ 2,000,000
ING	5.52%	132	\$ 4,000,000
ING	5.65%	314	\$ 3,000,000
ING	5.40%	1035	\$ 3,000,000
Macquarie	4.50%	132	\$ 1,000,000

Institution	Yield	Principal Amount	Term to Maturity
Macquarie	4.50%	132 \$	500,000
MyState Bank	4.90%	258 \$	2,000,000
NAB	0.80%	363 \$	1,500,000
NAB	0.64%	55 \$	3,000,000
NAB	0.70%	27 \$	2,500,000
NAB	4.49%	475 \$	2,500,000
NAB	4.45%	391 \$	2,000,000
NAB	5.30%	335 \$	2,000,000
NAB	5.22%	398 \$	1,800,000
NAB	5.15%	244 \$	1,000,000
NAB	5.22%	426 \$	2,500,000
Westpac	1.06%	167 \$	2,000,000
Westpac	2.28%	195 \$	1,500,000
Westpac	3.70%	335 \$	2,000,000
Westpac	4.22%	97 \$	1,000,000
Westpac	4.35%	321 \$	1,500,000
Westpac	4.30%	139 \$	1,000,000
Westpac	4.67%	111 \$	1,000,000
Westpac	4.78%	265 \$	2,500,000
Westpac	4.89%	517 \$	2,500,000
Westpac	4.46%	251 \$	1,500,000
Westpac	4.55%	111 \$	1,000,000
Westpac	4.40%	181 \$	1,500,000
Westpac	5.05%	349 \$	1,000,000
<b>Total</b>			<b>\$ 129,700,000</b>

## 9.3 Monthly Budget Review - August 2023

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300315

### RECOMMENDATION

#### That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - August 2023; and
2. amend the 2023/24 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

---

### Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program at 31 August 2023.

### Disclosure of Interest

Nil

### Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides the detailed information of recommended variations.

### Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

Clause 202 of the Local Government (General) Regulation 2021, states that the responsible accounting officer of a Council must:

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure; and

- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

### Financial implications

The budget variations proposed will impact the below financial ratios.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	✘	-	-
Future Years	-	-	✔

### Associated Risks

Not Applicable

SUMEDHA UPRETI  
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

6 September 2023

*Attachments:* 1. Monthly Budget review attachment - August 2023.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER



## MONTHLY BUDGET REVIEW – 31 AUGUST 2023

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

20 SEPTEMBER 2023

MID-WESTERN REGIONAL COUNCIL  
FINANCE



THIS DOCUMENT HAS BEEN PREPARED BY SUMEDHA UPRETI, ACCOUNTANT REPORTING & ANALYSIS FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:  
SUMEDHA.UPRETI@MIDWESTERN.NSW.GOV.AU OR (02) 6378 2850

DATE OF PUBLICATION: 20 SEPTEMBER 2023



FINANCE | MONTHLY BUDGET REVIEW – 31 AUGUST 2023

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2. Capital Works Program.....	7

## 1. Budget Variation

### 2023/24 BUDGET VARIATION

Fund	Project Name	Variation Description	Expense Change	Revenue Change	Funding Source 1	Financial Year
General	Cudgegong Waters Caravan Park - Kiosk Office	Additional budget required to cover the cost.	\$ 20,000.00		Unrestricted Cash	23/24
General	Commercial Prop - Administration	Additional budget required to cover the cost of legal representation to facilitate the purchase of Lot 2 DP510997.	\$ 1,100.00		Unrestricted Cash	23/24
Waste	New Recycling Bins	Additional budget required to cover the cost of freight.	\$ 629.76		Unrestricted Cash	23/24
General	Natural Disaster Puggon Road Causeway	Budget required to cover the cost of natural disaster repairs funded through grant.	\$ 20,000.00	-\$ 20,000.00	GRT - Bushfire & Emergency Services - Op	23/24
General	Plant Purchases - New	New budget required to cover the cost of housekeeping buggy and hydraulic tip trailer.	\$ 40,000.00		Unrestricted Cash	23/24
General	State Emergency Services	Additional Budget Required for SES security system	\$ 10,940.06		Unrestricted Cash	23/24
General	Unsealed Roads Land Matters	Adding budget for land Matter Barigan & Maloneys Rd renewal Energy and mining project	\$ 35,000.00		Unrestricted Cash	23/24
General	Rural Sealed Road Land Matters	Adding budget for land Matter Blue Spring Rd renewal Energy and mining project	\$ 15,000.00		Unrestricted Cash	23/24
General	RM - Scheduled Maintenance	Adding Budget for OW scheduled maintenance budget changes 2024 FY	\$ 67,812.00	-\$ 67,812.00	UCF - RMS State Roads Single Invitation Cont	23/24
General	OW - Heavy Patching	2024 FY Budget Adjustment for OW Heavy Patching	-\$ 53,677.00	\$ 53,677.00	UCF - RMS State Roads Ordered Works	23/24
General	OW - Reseals	Removing Budget as two new project code created for OW reseals 2024 work	-\$ 573,134.00	\$ 616,605.00	UCF - RMS State Roads Ordered Works	23/24
General	OW - Reseal SH18	Adding Budget for OW Reseal project 2024 Work	\$ 842,322.00	-\$ 842,322.00	UCF - RMS State Roads Ordered Works	23/24
General	OW - Reseal MR633	Adding Budget for OW Reseal project 2024 Work	\$ 720,154.00	-\$ 720,154.00	UCF - RMS State Roads Ordered Works	23/24

FINANCE | MONTHLY BUDGET REVIEW – 31 AUGUST 2023

Fund	Project Name	Variation Description	Expense Change	Revenue Change	Funding Source 1	Financial Year
General	Workplace Health Safety	Adding \$14K for biological testing and \$12.3 K for dust & disease lung screening	\$ 26,300.00		Unrestricted cash	23/24
General	Natural Disaster Greenhills Lane (Requires Grant)	Budget required to cover the cost of natural disaster repairs funded through grant.	\$ 40,000.00	-\$ 40,000.00	GRT - Bushfire & Emergency Services - Op	23/24
General	Heavy Patch - Beryl Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 20,000.00	-\$ 20,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Glen Alice Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 280,000.00	-\$ 280,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Henry Lawson Drive	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 70,000.00	-\$ 70,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Laheys Creek Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 30,000.00	-\$ 30,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Magpie Lane	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 180,000.00	-\$ 180,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Mud Hut Creek Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 50,000.00	-\$ 50,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Saleyards Lane	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 120,000.00	-\$ 120,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Spring Creek Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 90,000.00	-\$ 90,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Spring Ridge Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 90,000.00	-\$ 90,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - White Street Gulgong	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 120,000.00	-\$ 120,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Yarrowonga Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 70,000.00	-\$ 70,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Bylong Valley Way	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 1,435,301.00	-\$ 1,435,301.00	Con - RMS Contributions - Operating	23/24

FINANCE | MONTHLY BUDGET REVIEW – 31 AUGUST 2023

Fund	Project Name	Variation Description	Expense Change	Revenue Change	Funding Source 1	Financial Year
General	Heavy Patch - Hill End Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 20,000.00	-\$ 20,000.00	Con - RMS Contributions - Operating	23/24
General	Heavy Patch - Wollar Road	Splitting budget into other smaller project for flood damage repairs funded through grant	\$ 300,000.00	-\$ 300,000.00	Con - RMS Contributions - Operating	23/24
General	Local Roads - Flood Damage Repairs	Splitting budget into other smaller project for flood damage repairs funded through grant	-\$ 2,875,301.00	\$ 2,875,301.00	Con - RMS Contributions - Operating	23/24
General	Road Closure Planning Proposal	Budget required to reclassify 27 operational sites from community to operational to meet the road closure requirement.	\$ 25,000.00		Unrestricted Cash	23/24

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## 2. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM AS AT 31 AUGUST 2023.

**\$ 45.17 M**

Actual YTD

**228**

Capital Projects

**\$86.95 M**

Budget

**\$33.09 M**

Commitments

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<i>Looking after our Community</i>							
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	52	0	52	23	44%	9	Construction
RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL)	290	0	290	11	4%	8	Initial works
RURAL FIRE SERVICE - MUDGEES AIRBASE SHED (CAPITAL)	27	0	27	0	0%	38	Construction
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0	Procurement
COMM. TRANSPORT- VEHICLE PURCHASE	65	0	65	0	0%	0	Project Scope
COUNTRY UNIVERSITY CENTER CAPITAL	1,430	0	1,430	248	17%	729	Construction
CEMETERY CAPITAL PROGRAM	17	0	17	0	0%	4	Initial works
CEMETERY EXPANSION - MUDGEES & GULGONG	40	0	40	0	0%	0	Design
CEMETERY SIGNAGE UPGRADE	10	0	10	0	0%	0	Design
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	100	0	100	0	0%	0	Project Scope
PUBLIC TOILETS - ILFORD REST STOP	23	0	23	0	0%	0	Initial works
LIBRARY BOOKS	96	0	96	32	33%	0	Construction
MUDGEES LIBRARY AIR CONDITIONING	5	0	5	0	0%	0	Complete
RED HILL EXHIBITION SPACE	500	0	500	5	1%	14	Project Scope
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	44	0	44	0	0%	0	Procurement
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	4	0	4	0	0%	4	Complete
CAPITAL UPGRADE - KILDALLON	60	0	60	0	0%	0	Project Scope
COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES	65	0	65	0	0%	0	Project Scope
PUBLIC HALLS - AUDIO UPGRADES	35	0	35	0	0%	0	Project Scope
TOWN HALL - EXTERNAL BRICKWORK	100	0	100	0	0%	0	Procurement
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	68	0	68	0	0%	0	Project Scope
KANDOS HALL & LIBRARY - TOILETS	109	0	109	0	0%	0	Design

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE)	45	0	45	0	0%	0	Project Scope
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	13	0	13	0	0%	0	Procurement
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	0	0%	0	Project Scope
MUDGEES POOL HEATERS	80	0	80	0	0%	0	Project Scope
MUDGEES POOL STORAGE SHED UPGRADE	26	0	26	0	0%	0	Procurement
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Design
GULGONG POOL HEATERS	105	0	105	0	0%	0	Project Scope
GLEN WILLOW SPORTS GROUND UPGRADES	186	0	186	35	19%	16	Construction
MUDGEES SHOWGROUNDS - AMENITIES	25	0	25	0	0%	0	Initial works
BILLY DUNN OVAL - UPGRADES	90	0	90	0	0%	51	Initial works
GULGONG TENNIS COURTS	218	0	218	0	0%	0	Procurement
GLEN WILLOW FIELD ONE REFURBISHMENT	550	0	550	0	0%	0	Procurement
CLANDULLA RECREATION PARK AMENITIES	120	0	120	1	1%	2	Complete
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	2	Initial works
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	112	0	112	0	0%	0	Project Scope
GLEN WILLOW STORMWATER RETICULATION SYSTEM	4	0	4	0	0%	0	Complete
PUTTA BUCCA TRAINING CAMP FACILITY	9,725	0	9,725	541	6%	8,921	Construction
GLEN WILLOW - PUMP TRACK (REQUIRES GRANT)	700	0	700	0	0%	14	Initial works
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0	Consultation
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Procurement
VICTORIA PARK GULGONG - AMENITIES UPGRADE	485	0	485	9	2%	0	Procurement
GLEN WILLOW - NETBALL PRECINCT UPGRADE	143	0	143	0	0%	0	Construction
GLEN WILLOW - STADIUM LIGHTING UPGRADE	3,010	0	3,010	0	0%	2,270	Construction
BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK	92	0	92	0	0%	0	Consultation

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GLEN WILLOW - STADIUM ELEVATOR REPLACEMENT	311	0	311	0	0%	0	Design
WARATAH PARK FIELD RENOVATION	90	0	90	0	0%	34	Initial works
PROPERTY PURCHASE - 191 DENISON STREET	330	0	330	0	0%	0	Initial works
RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT ( REQUIRES GRANT)	42	0	42	0	0%	0	Design
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	58	0	58	5	9%	11	Construction
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Procurement
VICTORIA PARK GULGONG - STORAGE SHED (REQUIRES GRANT)	30	0	30	0	0%	0	Consultation
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0	Design
RYLSTONE SHOWGROUND ARENA - UPGRADE	787	0	787	0	0%	4	Initial works
RECREATIONAL PROPERTY MATTERS	20	0	20	0	0%	0	Consultation
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0	Design
KANDOS INCLUSIVE ADVENTURE PLAYSPACE	558	0	558	0	0%	0	Design
ELECTRIC BBQ - KANDOS & RYLSTONE PALYGROUND	10	0	10	0	0%	8	Construction
HENRY LAWSON MEMORIAL RENEWAL	14	0	14	0	0%	0	Procurement
JACK TINDALE PARK RYLSTONE - ROAD UPGRADE	40	0	40	0	0%	0	Project Scope
SHADE SAIL - MUDGEES DOG PARK	15	0	15	8	53%	5	Construction
SCULPTURES ACROSS THE REGION	29	0	29	2	8%	0	Consultation
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	379	0	379	0	0%	0	Consultation
APEX PARK GULGONG - IRRIGATION RENEWAL	37	0	37	0	0%	0	Procurement
PLAYGROUND SHADING PROGRAM	53	0	53	0	0%	42	Construction
PARK BIN REPLACEMENT	80	0	80	0	0%	0	Consultation
PLAYGROUND RUBBER SOFTFALL PROGRAM	60	0	60	0	0%	0	Design
IRRIGATION RENEWAL PROGRAM	0	0	0	0	0%	0	Consultation
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	161	0	161	0	0%	0	Design



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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
LAWSON PARK MUDGEE -IRRIGATION RENEWAL	45	0	45	0	0%	0	Procurement
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	39	Procurement
MUDGEE RIVERSIDE - WALKING TRACK IMPROVEMENTS	8	0	8	0	0%	0	Procurement
FLIRTATION HILL MUDGEE - MASTER PLAN WORKS	725	0	725	26	4%	195	Construction
PLAYGROUND - BROADVIEW ESTATE	120	0	120	0	0%	0	Consultation
STREET SCAPE IMPROVEMENTS	31	0	31	5	17%	0	Initial works
STREETSCAPE - STREET BINS	57	0	57	0	0%	0	Consultation
<b>Total</b>	<b>23,576</b>	<b>0</b>	<b>23,576</b>	<b>952</b>	<b>4%</b>	<b>12,419</b>	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	355	0	355	173	49%	0	Project Scope
MUDGEE WASTE DEPOT UPGRADES	38	0	38	8	22%	0	Project Scope
NEW TIP CELL CONSTRUCTION	6,403	0	6,403	188	3%	5,475	Construction
NEW RECYCLING BINS	3	1	4	4	100%	0	Complete
KANDOS WTS OFFICE REPLACEMENT	12	0	12	0	0%	15	Construction
DRAINAGE CAPITAL IMPROVEMENTS	262	0	262	0	0%	0	Budget only
CAUSEWAY IMPROVEMENTS	61	0	61	0	0%	0	Project Scope
STORMWATER DRAINAGE - BOMBIRA AVENUE	1,400	0	1,400	0	0%	0	Initial works
PUTTA BUCCA WETLANDS CAPITAL	35	0	35	8	23%	17	Initial works
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	184	0	184	1	1%	169	Final works
WATER NEW CONNECTIONS	100	0	100	18	18%	0	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	2,534	0	2,534	8	0%	809	Construction
WATER DISTRIBUTION - MUDGEE	2,800	0	2,800	0	0%	0	Design
WATER RYLSTONE DAM WALL & EROSION PROTECTION (REQUIRES GRANT)	420	0	420	0	0%	10	Project Scope

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - CAPITAL BUDGET ONLY	1,657	0	1,657	0	0%	0	Budget only
WATER MAINS - MAYNE STREET	93	0	93	0	0%	82	Complete
WATER MAINS - BAYLY STREET	77	0	77	6	8%	2	Multi-year project - complete for this year
WATER MAINS - LITTLE BAYLY STREET	36	0	36	0	0%	2	Procurement
WATER MAINS - SYDNEY ROAD	90	0	90	0	0%	0	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	101	0	101	0	0%	0	Project Scope
WATER PUMP STATION - GULGONG RIVER ACCESS	8	0	8	3	31%	0	Complete
WATER RESERVOIR - BUDGET ONLY	100	0	100	0	0%	0	Project Scope
WATER RESERVOIR - FLIRTATION HILL MUDGEE	105	0	105	0	0%	0	Project Scope
RAW WATER SYSTEMS RENEWALS	72	0	72	5	6%	15	Procurement
WATER TREATMENT PLANT - RENEWALS	123	0	123	19	15%	36	Construction
SEWER NEW CONNECTIONS	50	0	50	0	0%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	265	0	265	1	0%	71	Design
MUDGEE SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	0	0%	0	Project Scope
SEWER MAINS CAPITAL UPGRADES	2,194	0	2,194	29	1%	997	Construction
SEWER PUMP STATION - CAPITAL RENEWALS	1,177	0	1,177	0	0%	18	Procurement
SEWER TREATMENT WORKS - RENEWALS	94	0	94	1	1%	14	Procurement
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
<b>Total</b>	<b>21,431</b>	<b>1</b>	<b>21,431</b>	<b>472</b>	<b>2%</b>	<b>7,733</b>	
Building a Strong Local Economy							
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	48	20	68	29	43%	7	Construction
RYLSTONE CARAVAN PARK - CAPITAL	3	0	3	1	27%	1	Complete
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Consultation

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGE VALLEY PARK EXPANSION	2,401	0	2,401	98	4%	31	Consultation
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	371	0	371	0	0%	0	Consultation
MUDGE VALLEY PARK EXPANSION ROADS	65	0	65	30	47%	0	Complete
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	25	0	25	0	0%	0	Multi-year project - complete for this year
MUDGE VALLEY PARK - CARETAKER HOUSE RENOVATION	50	0	50	0	0%	0	Deferred/Cancelled
MUDGE VALLEY PARK - SHADE OVER POOL	22	0	22	0	0%	0	Design
RYLSTONE CARAVAN PARK STAGE 2	1,040	0	1,040	50	5%	74	Design
CARAVAN PARK - RIVERSIDE - CAPITAL	118	0	118	0	0%	0	Consultation
CHRISTMAS DECORATIONS	200	0	200	0	0%	122	Procurement
EVENTS STORAGE COMPOUND	60	0	60	0	0%	0	Procurement
SIGNAGE UPGRADE	244	0	244	7	3%	8	Initial works
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	4	0	4	0	0%	0	Final works
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	0	0%	0	Initial works
SALEYARDS - BATHROOM RENOVATIONS	30	0	30	0	0%	0	Consultation
SALEYARDS - WEIGH SCALE DOOR REPLACEMENT	20	0	20	0	0%	0	Consultation
SALEYARDS - REPLACEMENT SCANNER	20	0	20	14	72%	0	Complete
PROPERTY - EX SALEYARDS STAGE II	1,500	0	1,500	140	9%	198	Construction
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	388	0	388	43	11%	40	Construction
<b>Total</b>	<b>6,679</b>	<b>20</b>	<b>6,699</b>	<b>414</b>	<b>6%</b>	<b>481</b>	
<b>Connecting our Region</b>							
URBAN RESEALS - BUDGET ONLY	(0)	0	(0)	0	-16841%	0	Budget only
URBAN RESEALS - BELMORE ST GULGONG	52	0	52	0	0%	0	Design
URBAN RESEALS - COX ST SEG 80 & 90	12	0	12	0	0%	0	Design

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - GLADSTONE ST SEG 140 - 160	36	0	36	0	0%	0	Design
URBAN RESEALS - MCGREGOR PLACE	10	0	10	0	0%	0	Design
URBAN RESEALS - WENONAH STREET	16	0	16	0	0%	0	Design
URBAN RESEAL - RODGERS STREET	41	0	41	0	0%	0	Design
URBAN RESEAL - DONOGHUE STREET	18	0	18	0	0%	0	Design
URBAN RESEAL - ADAMS STREET	15	0	15	0	0%	0	Design
URBAN RESEAL - DAVIES ROAD	44	0	44	0	0%	0	Design
URBAN RESEAL - BLACK LEAD LANE	43	0	43	0	0%	0	Design
URBAN RESEAL - ALBENS LANE	10	0	10	0	0%	0	Design
URBAN RESEAL - GREVILLEA STREET	17	0	17	0	0%	0	Design
URBAN RESEAL - CAINBIL STREET	18	0	18	0	0%	0	Design
URBAN RESEAL - BOWMAN STREET	18	0	18	0	0%	0	Design
URBAN RESEAL - BUMBERRA PLACE	11	0	11	0	0%	0	Design
URBAN RESEAL - NOYES ST SEG 30 - 70	23	0	23	0	0%	0	Design
URBAN RESEAL - MORTIMER STREET	55	0	55	0	0%	0	Design
URBAN RESEAL - SWORDS COURT	11	0	11	0	0%	0	Design
URBAN RESEAL - VERA COURT	12	0	12	0	0%	0	Design
URBAN RESEAL - WHITE CIRCLE	55	0	55	0	0%	0	Design
URBAN RESEAL - WINBOURNE STREET	23	0	23	0	0%	0	Design
URBAN RESEAL - WINTER STREET	21	0	21	0	0%	0	Design
URBAN RESEAL - CARWELL STREET RYLSTONE	23	0	23	0	0%	0	Design
URBAN RESEAL - COOMBER STREET RYLSTONE	24	0	24	0	0%	0	Design
URBAN RESEALS - GEORGE ST SEG 10-30	16	0	16	0	0%	0	Design
URBAN RESEAL - PIPER STREET RYLSTONE	14	0	14	0	0%	0	Design
URBAN RESEALS - JACQUES STREET KANDOS	21	0	21	0	0%	10	Design
URBAN RESEAL - MORTIMER STREET MUDGEE	36	0	36	0	0%	36	Design
URBAN RESEALS - SALEYARDS LN GULGONG	11	0	11	0	0%	12	Design

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN ROAD REHABS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN ROADS KERB & GUTTER CAPITAL	117	0	117	18	15%	5	Initial works
URBAN REHAB - ROBERTSON ST SEG 90	550	0	550	1	0%	0	Design
URBAN HEAVY PATCHING	26	0	26	2	8%	0	Initial works
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	0	12	0	0%	10	Procurement
RESHEETING - URBAN ROADS	12	0	12	0	0%	0	Initial works
URBAN UPGRADE - DABEE STREET RYLSTONE (REQUIRES GRANT)	420	0	420	0	0%	0	Consultation
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	20	0	20	1	5%	0	Initial works
URBAN ROADS LAND MATTERS CAPITAL	25	0	25	0	0%	0	Initial works
RURAL SEALED ROADS RESEALS BUDGET ONLY	15	0	15	0	0%	0	Budget only
RURAL RESEAL - HENRY LAWSON DRIVE	523	0	523	0	0%	0	Design
RURAL RESEAL - TINJA LANE	12	0	12	0	0%	0	Design
RURAL RESEAL - BARNEYS REEF ROAD	235	0	235	0	0%	0	Design
RURAL RESEAL - BLUE SPRINGS ROAD	99	0	99	0	0%	0	Design
RURAL RESEAL - SPRINGFIELD LANE	16	0	16	0	0%	0	Design
RURAL RESEAL - MEBUL ROAD	85	0	85	0	0%	0	Design
RURAL RESEAL - LUE RD	129	0	129	0	0%	82	Design
RURAL RESEAL - GLEN ALICE RD	62	0	62	0	0%	0	Design
RURAL RESEAL - YARRAWONGA RD	162	0	162	0	0%	137	Design
RURAL RESEAL - WINDEYER RD GRATTAI	102	0	102	0	0%	78	Design
RURAL RESEAL - CUDGEGONG RD	324	0	324	0	0%	0	Design
RURAL RESEAL - PYRAMUL RD	101	0	101	0	0%	0	Design
RURAL RESEALS - DABEE ROAD KANDOS	114	0	114	0	0%	0	Design
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	413	0	413	0	0%	0	Budget only
RURAL REHAB - LUE ROAD MOUNTKNOW	495	0	495	1	0%	12	Design
RURAL REHAB - CUDGEGONG RD CARWELL	520	0	520	1	0%	0	Initial works
HEAVY PATCHING	52	0	52	7	14%	3	Initial works

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEAL - BUDGEE BUDGEE	35	0	35	0	0%	0	Design
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	0	0%	24	Design
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	7	Design
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	26	0	26	0	0%	0	Design
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	220	0	220	230	105%	17	Complete - awaiting invoices
RURAL ROADS - FLOODED ROADS SMART WARNING SYSTEM	55	0	55	0	0%	0	Consultation
RURAL SEALED ROAD LAND MATTERS	49	15	64	3	4%	0	Initial works
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	199	0	199	0	0%	0	Budget only
REG RDS RESEALS - BYLONG VALLEY WAY MR215	283	0	283	0	0%	0	Design
REG RDS RESEALS - ILFORD ROAD MR215	65	0	65	0	0%	0	Design
REG RDS RESEALS - HILL END ROAD MR216	152	0	152	0	0%	0	Design
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	900	0	900	1	0%	0	Design
HILL END ROAD SAFETY IMPROVEMENTS	1,024	0	1,024	126	12%	64	Construction
BVW UPGRADE RNSW 2080	40	0	40	0	0%	39	Initial works
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	11	0	11	0	0%	0	Initial works
ZIMMER LANE (NOW MAINTAINED)	22	0	22	20	93%	0	Complete
BADGERS LANE (NOW MAINTAINED)	72	0	72	0	1%	3	Procurement
SEAL EXTENSION - QUEENS PINCH RD	539	0	539	13	2%	38	Construction
SEAL EXTENSION - COXS CREEK RD	154	0	154	261	169%	36	Construction
SEAL EXTENSION - BOTOBOLAR RD	1,235	0	1,235	372	30%	273	Construction
SEAL EXTENSION - CORICUDGY ROAD	1,056	0	1,056	295	28%	300	Construction
SEAL EXTENSION - CORICUDGY ROAD STAGE 2	1,891	0	1,891	8	0%	494	Construction
RESHEETING	2,161	0	2,161	342	16%	141	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	22	35	57	1	1%	0	Initial works
BRIDGE TO PUTTA BUCCA ROAD	369	0	369	89	24%	151	Construction
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0	Project Scope

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	247	0	247	0	0%	0	Budget only
ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB	278	0	278	1	0%	76	Procurement
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE REHAB	52	0	52	19	37%	4	Final works
FOOTPATH REPLACEMENT	142	0	142	1	0%	0	Initial works
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	243	0	243	29	12%	12	Design
RYLSTONE RIVER - WALKING AREA EXTENSION	125	0	125	0	0%	0	Project Scope
AIRPORT HANGER AND STUDIO	216	0	216	1	0%	200	Construction
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Consultation
<b>Total</b>	<b>17,382</b>	<b>50</b>	<b>17,432</b>	<b>1,842</b>	<b>11%</b>	<b>2,265</b>	

Good Government

RYLSTONE ADMINISTRATION - BUILDING PAINTING	20	0	20	9	45%	0	Initial works
OLD POLICE STATION CAPITAL	50	0	50	0	0%	20	Initial works
BUILDINGS MASTER KEY SYSTEM	50	0	50	0	0%	0	Consultation
MUDGEES ADMIN BUILDING EXTENSION	471	0	471	12	3%	323	Construction
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	0	Construction
RECREATION BUILDING - RENOVATION	100	0	100	0	0%	0	Complete
CARMEL CROAN BUILDING - ROOF RESTORATION	25	0	25	0	0%	0	Procurement
IT SPECIAL PROJECTS	54	0	54	0	0%	0	Project Scope
IT - NETWORK UPGRADES	72	0	72	16	22%	0	Construction
IT CORPORATE SOFTWARE	101	0	101	19	19%	4	Construction
IT - PAPER CUT SECURE PRINTING	25	0	25	0	0%	0	Project Scope
PLANT PURCHASES	8,394	0	8,394	613	7%	2,988	Budget only
PLANT PURCHASES - NEW	147	40	187	0	0%	22	Complete
RYLSTONE DEPOT - CAPITAL UPGRADE	65	0	65	1	2%	0	Consultation

FINANCE | MONTHLY BUDGET REVIEW – 31 AUGUST 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SOLAR FARM INITIATIVE	105	0	105	37	36%	12	Construction
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	0	0%	0	Procurement
SOLAR FARM INITIATIVE - STAGE 3	8,116	0	8,116	130	2%	6,824	Construction
<b>Total</b>	<b>17,886</b>	<b>40</b>	<b>17,926</b>	<b>838</b>	<b>5%</b>	<b>10,193</b>	
Total Capital Works Program	<b>86,954</b>	<b>111</b>	<b>87,065</b>	<b>4,517</b>	<b>5%</b>	<b>33,092</b>	



## 9.4 Draft Financial Statements 2022/23

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400098, FIN300394

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the Draft Financial Statements 2022/23;**
2. **resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2023:**
  - 2.1 **have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;**
  - 2.2 **present fairly the Council's financial position and operating result for the year;**
  - 2.3 **accord with the Council's accounting and other records; and**
  - 2.4 **do not contain any known matter that would make the financial statements false or misleading in any way**
3. **authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2022/23 and Special Purpose Financial Report 2022/23;**
4. **authorise the General Manager to issue the 2022/23 Financial Reports immediately upon receipt of the Auditors Report; and**
5. **authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2022/23 are to be presented to the public.**

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### Executive summary

Council is required to prepare financial reports for each year and refer them to audit as soon as practicable. Council is required to endorse the draft financial reports for referral to audit. The audit of the 2022/23 financial reports commenced on 4 September 2023.

### Disclosure of Interest

Nil

### Detailed report

The attached draft financial reports have been prepared in accordance with the legislated requirements included in this report.

The attached draft financial statements are not available to the public until after Council's auditor has provided an independent audit report. It is recommended that Council authorise the General Manager to issue the financial reports immediately upon receipt of the auditors' report, subject to there being no material audit changes or audit issues.

It is recommended that Council authorise the General Manager to finalise the date at which the auditors' report and financial statements are to be presented to the public. It is anticipated that this presentation will occur at the Council meeting of 15 November 2023.

## Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Not Applicable

### Legislation

Section 413 of the Local Government Act 1993 requires that:

1. A council must prepare financial reports for each year, and must refer them for audit as soon as practicable (having regard to the requirements of section 416 (1)) after the end of that year.

Council's financial reports must include the following:

- a) a general purpose financial report;
- b) any other matters prescribed by the regulation; and
- c) a statement in the approved form by the council as to its opinion on the general purpose financial report.

The general purpose financial report must be prepared in accordance with this Act and the regulations and the requirements of:

- a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations; and
- b) such other standards as may be prescribed by the regulations.

Section 416 of the Local Government Act 1993 requires that:

1. A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.

Council's financial reports must be prepared in accordance with the requirements of:

- a) the Australian Accounting Standards and professional pronouncements;
- b) the Local Government Code of Accounting Practice and Financial Reporting; and
- c) the Local Government Act 1993 and the Regulations.

Section 215(1) of the Local Government (General) Regulation 2021 requires that the statement by Council as to its opinion on the financial reports must be made by resolution of the Council and be signed by the Mayor, at least one other member of Council, the General Manager and the Responsible Accounting Officer. The statement must indicate:

- a) whether or not Council's annual financial reports have been drawn up in accordance with the required Standards and Regulations;
- b) whether or not those reports present fairly Council's financial position and operating result for the year;
- c) whether or not those reports accord with the Council's accounting and other records;
- d) whether or not the signatories know of anything that would make those reports false or misleading in any way; and
- e) include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in the statement.

## Financial implications

The cost of preparing and auditing the Financial Statements is already included in the Operational Plan; no budgetary changes are anticipated at this stage.

## Associated Risks

There is a risk of material misstatement in the Financial Reports, which is mitigated by the following:

- Completion by qualified professionals;
- Fraud controls;
- Financial compliance procedures; and
- External audit.

Should a material change be required before the audit report is issued, the Financial Statements will be required to come back to Council for confirmation.

NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

4 September 2023

- Attachments:*
1. Draft General Purpose Financial Statements for 30 June 2023. (Confidential - separately attached)
  2. Draft Special Purpose Financial Statements for 30 June 2023. (Confidential - separately attached)

### APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## 9.5 Enterprise Resource Planning System contract variation

REPORT BY THE DIRECTOR CORPORATE SERVICES  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, A0070037

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Corporate Services on the Enterprise Resource Planning System contract variation;**
2. **vary the contract to include the delivery of integrated Electronic Content Management ;**
3. **amend the 2023/24 budget to reduce records consulting by \$60,000, to be returned to unrestricted cash;**
4. **amend the 2024/25 and 2025/26 budgets to increase the IT software implementation budget by \$160,000 per annum, to be funded from unrestricted cash;**
5. **amend the 2023/24, 2024/25, 2025/26 and 2026/27 budgets to increase the IT software licensing budget by \$50,000 per annum, to be funded from unrestricted cash;**
6. **approve an exemption from tender, in accordance with Section 55(3)(I) of the Local Government Act 1993, for the delivery of integrated Electronic Content Management software based on the fact that Technology One are the only provider that can provide a software as a service solution that is fully integrated with our ERP system; and**
7. **authorise the Director of Corporate Services to approve variations to the ERP SaaS contract, if they are within approved budget allocations.**

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### Executive summary

Council has assessed some ongoing risks with its current records management system. It is therefore recommended to upgrade Councils record system within the next 2 years. The objective of this upgrade is to provide a web browser based application to capture and manage Councils records digitally, and leverage the corporate benefits of an integrated system. In order to implement the change, a contract variation to our existing Enterprise Resource Planning (ERP) system is required.

### Disclosure of Interest

Nil

### Detailed report

Councils current challenges with its existing records management system includes that the system:

- does not integrate well with other systems;

- makes remote working difficult as it requires a remote desktop connection;
- does not automate document capture well;
- has some significant cyber-security risks inherent in its use; and
- could be more efficient in its user interface.

### Proposed Upgrade

The objective of this upgrade is to provide a web browser based application to capture and manage Councils records digitally, and leverage the corporate benefits being:

- Providing a solution that streamlines business processes;
- Improves access for remote and flexible workers;
- Is fully integrated with Council ERP and has improved integration with other Council systems;
- Improves Council's risk profile for information management by reducing risk of non-compliance or document records;
- Increases transparency and accountability to the public by improving record capture;
- Complies with Council's legislative obligations under the State Records Act 1998 and the Government Information (Public Access) Act 2009 and associated standards and policies;
- Provides an ongoing Information System improvement program of works that increases efficiency and customer experience across Council.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An effective and efficient organisation
Strategy	Pursue excellence in service delivery

## Strategic implications

### Council Strategies

#### ICT Strategy

This recommendation supports the following strategic objectives highlighted in the ICT Strategy:

- Strategy 1 - Provide a secure, reliable and available ICT environment;
- Strategy 2 - Support an agile and mobile workforce;
- Strategy 4 - Enhance service delivery to the community;
- Strategy 5 - Maximise the value from ICT investment

### Council Policies

Not Applicable

### Legislation

Local Government Act Section 55 – Tendering  
State Records Act 1988  
Government Information (Public Access) Act 2009

## Financial implications

Currently, there is an amount included in the 2023/24 budget for \$60,000 for consultants to recommend a records management solution, this amount has been revoked from prior years, leaving a gap of \$260,000 for implementation including project management and third party document migration – estimated at \$130,000 per year over 2024/25 & 2025/26.

An additional \$50,000 per annum is required for ongoing licensing fees.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	✓	-	-
Future Years	✗	-	-

### Associated Risks

Please see the confidential attachment to this report for details around cyber-security risk analysis for Councils document record systems.

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

30 August 2023

*Attachments:* 1. Memo - Upgrade Electronic Content Manager ECM Council report confidential information. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## 9.6 RFT 2023/19 - Traffic Control Management panel

REPORT BY THE PROCUREMENT OFFICER  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, COR400617

### RECOMMENDATION

#### That Council:

1. receive the report by the Procurement Officer on the RFT 2023/19 - Traffic Control Management panel;
2. accept the provision of the Traffic Control Management panel arrangement for 3 years with an 1 year extension, in accordance with Clause 178 of the Local Government (General) Regulation 2005;
3. Tender undertaken as procurement would exceed the threshold for the council's obligation to tender for services. This tender fulfils Council's obligation under the Local Government Act 1993, Section 55, and the Local Government (General) Regulation 2005.
4. delegate authority to the Manager Procurement and Fleet to accept any additional contractors seeking inclusion to the tender 2023/19 for the provision of traffic control management services, during the term of the contract; and
5. adopt the following contractors to provide services under RFT 2023/19 – Traffic Control Management:
  - a) D&D Traffic Management
  - b) Dubbo Traffic Control
  - c) East Coast Traffic Control
  - d) Mid-West Traffic Management
  - e) Platinum Traffic Services
  - f) Watch out Traffic Control
  - g) Workcontrol Operations

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### Executive summary

Tenders were requested for the establishment of a pre-qualification list of suitable contractors to provide traffic control services to Council for the next 3 years.

The Traffic Control Management tender opened via VendorPanel on 7 July 2023 and closed on 4 August 2023 at 2pm. There were eight submissions received. This report requests to accept the submissions that are conforming to the Traffic Control Management panel.

## Disclosure of Interest

Nil

## Detailed report

Advertisements for RFT 2023/19 Traffic Control Management services were uploaded to the Council website and VendorPanel on 7 July 2023. An advertisement was also placed in the Sydney Morning Herald on Tuesday 11 July 2023. The term of the contract for traffic control management services is for three years with an additional one year extension is required.

The tender process was initiated and a tender evaluation panel was formed. This panel comprised of representatives from the most relevant departments of Council. Members of the tender evaluation panel were:

Paula Kennedy – Works Engineer Coordinator  
Melanie Thomas Grimes – Works Technical Assistant  
Meredith Mitchell – Water and Sewer Administration Assistant.

The panel used the process set out in the Procurement Evaluation Plan to determine which tenderers satisfied the traffic control management services requirements of Council.

Submissions closed on Friday 4 August 2023 at 2pm. Council received eight submissions as listed below:

1. **AAA Traffic Control**
2. **D&D Traffic Management**
3. **Dubbo Traffic Control**
4. **East Coast Traffic Control**
5. **Mid-West Traffic Management**
6. **Platinum Traffic Services**
7. **Watch Out Traffic Control**
8. **Workcontrol Operations**

There were no late submissions received.

### Non-conforming tenders

Submissions were eliminated as non-conforming if they did not meeting the mandatory requirements. The following submission was deemed non-compliant for this reason.

- AAA Traffic Control.

The evaluation documentation has been attached as a confidential document.



## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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## Strategic implications

### Council Strategies

Council's Delivery Program and Operational Plan.

### Council Policies

Sustainable Procurement and Contracts Policy

### Legislation

Local Government Act 1993

Local Government (General) Regulation 2005

NSW Roads Act 1993

## Financial implications

It has been recognised that Council frequently procure the services of traffic control to carry out works in accordance with the Delivery Program and Operational Plan.

## Associated Risks

Should Council not enter a panel tender arrangement, there is a risk that Council will not obtain the best value for money outcome on individual quotes, or not meet legislative and compliance requirements for traffic control procurement.

MICHELLE NEILSEN  
PROCUREMENT OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

31 August 2023

*Attachments:* 1. RFT 2023/19 Evaluation Sheet. (Confidential - separately attached)  
2. RFT 2023/19 - Pricing. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## 9.7 Exemption from Tender - Landfill Compactor

REPORT BY THE MANAGER PROCUREMENT AND FLEET  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, COR400616

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Procurement and Fleet on the Landfill Compactor;**
2. **approve an exemption from tender, in accordance with Section 55 (3) (i) of the Local Government Act 1993 for the replacement of a landfill (vibrating) compactor; noting that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;**
3. **note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
  - 3.1 **there are very limited suppliers for landfill (vibrating) compactors;**
  - 3.2 **attempts to seek quotations via a Prescribed Entity with known suppliers failed to provide a response;**
4. **delegate authority to the Manager Procurement and Fleet to seek quotations directly from any known supplier;**
5. **delegate authority to the General Manager or their delegate to review a purchase recommendation on completion of an appropriate evaluation process; and**
6. **delegate authority to the General Manager or their delegate to amend budgets as required should the recommendation be endorsed**

### Executive summary

The existing landfill compactor has been identified for replacement in the 2023/24 financial year. Given our inability to be able to yield a quotation from processes already undertaken, this report seeks Council's endorsement to approach the market directly, therefore providing exemption from a formal tender process.

### Disclosure of Interest

Nil

### Detailed report

To ensure delivery of Council's 10 year plant replacement plan, plant is identified for replacement each financial year. The existing landfill compactor has been identified for replacement in the 2023/24 financial year and is showing signs of fatigue with regular visits required by both internal mechanical staff and contractors for repair and maintenance to continue to make available for

waste staff therefore replacement is inevitable and cannot be delayed. This plant item is utilised daily and is essential to the compaction and management of waste at our Mudgee Waste facility. Staff have approached the market through Local Government Procurement who provide Council the ability to approach the market via Specialised plant pre-qualification panels, however, unfortunately the market have not responded.

Given that there is only two known suppliers to date, Council staff believe that a value for money outcome can be achieved for Council by approaching the plant dealerships directly. This approach also allows Council to continue to ensure specification is met and risk management maintained.

With the influx of plant replacement costs, we have estimated that a replacement landfill compactor will be in the vicinity of \$750,000 to \$850,000, however we are unable to confirm until a price is provided to us. Our previous compactor was \$683,500 and is almost 8 years old, hence the requirement for replacement.

## Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

## Strategic implications

### Council Strategies

Council's 10 year Plant Replacement Plan.

Should this not be approved, the replacement of this plant will be delayed (to an unknown timeframe) as tenders would need to be run until such time that a supplier responds. This would come at a significant cost to Council in resource time as well as potential significant downtime should the exiting plant item fail or require major repair.

### Council Policies

Not Applicable

### Legislation

Local Government Act

## Financial implications

The financial implications of this purchase can not be confirmed until such time as a firm quotation is supplied for a replacement, however please note that the current budget has allowance for a replacement plant item.

## Associated Risks

The highest risk would be a major failure of the current plant item leaving the waste facility unable to manage incoming waste to the landfill appropriately. Given the type of plant is very specialised, it would be very difficult to find a wet or dry hire plant item available with a reasonable distance and without a significant costs if one is able to be sourced. There is not like for like item on any current preferred supplier list for Council, therefore we would be required to approach the open market to seek a hired replacement.

KRISTIE WARD  
MANAGER PROCUREMENT AND FLEET

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

5 September 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## 9.8 New Policy - Business Continuity

REPORT BY THE WHS AND RISK COORDINATOR  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, RIS900011

### RECOMMENDATION

#### That Council:

1. **receive the report by the WHS and Risk Coordinator on the New Policy - Business Continuity ; and**
2. **adopt the new Business Continuity Policy.**

---

### Executive summary

The Business Continuity Policy has been developed to ensure Council is a resilient business with consistent and comprehensive risk management during a disruptive event to a critical function.

### Disclosure of Interest

Nil

### Detailed report

Council has not previously had a policy related to business continuity. A business continuity policy is the set of standards and guidelines an organisation enforces to ensure resilience and proper risk management during a disruptive event.

The practices within the Business Continuity Policy are consistent with the professional practices detailed in the Business Continuity Institutes Good Practice Guide 2018 (BCI GPG). These practices build on the requirements within ISO 22301:2012 Security and resilience: Business continuity management systems by ensuring a top to bottom and integrated approach to business continuity.

The Business Continuity Policy has been developed to:

- Confirm Council's commitment to the management of business continuity through a comprehensive and structured approach.
- Communicate the importance of, and expectations surrounding business continuity as it applies to Council.
- Assign roles and responsibilities relating to the management and lifecycle of business continuity.
- Ensure the documents that sit within the Framework can support Council's capability to effectively respond to a disruptive event.
- Outline the processes Council shall adopt to ensure a consistent approach to the management of continuity of Council's critical business activities outputs during a disruptive event.
- Ensures that systems, processes and documentation are established for staff to use when developing and implementing business continuity plans within their department or team.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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## Strategic implications

### Council Strategies

Delivery Program Action: Monitor and review Council's policies and strategies.

Projects/Service: Identify and resolve existing policy gaps.

### Council Policies

Not Applicable

### Legislation

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

If Council does not maintain and promote a current Business Continuity Policy, there may be an increase in risk of incurring consequences above Council's agreed risk tolerance.

VERONIKA BARRY  
WHS AND RISK COORDINATOR

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

21 August 2023

*Attachments:* 1. Business Continuity Policy.

### APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER



## Business Continuity



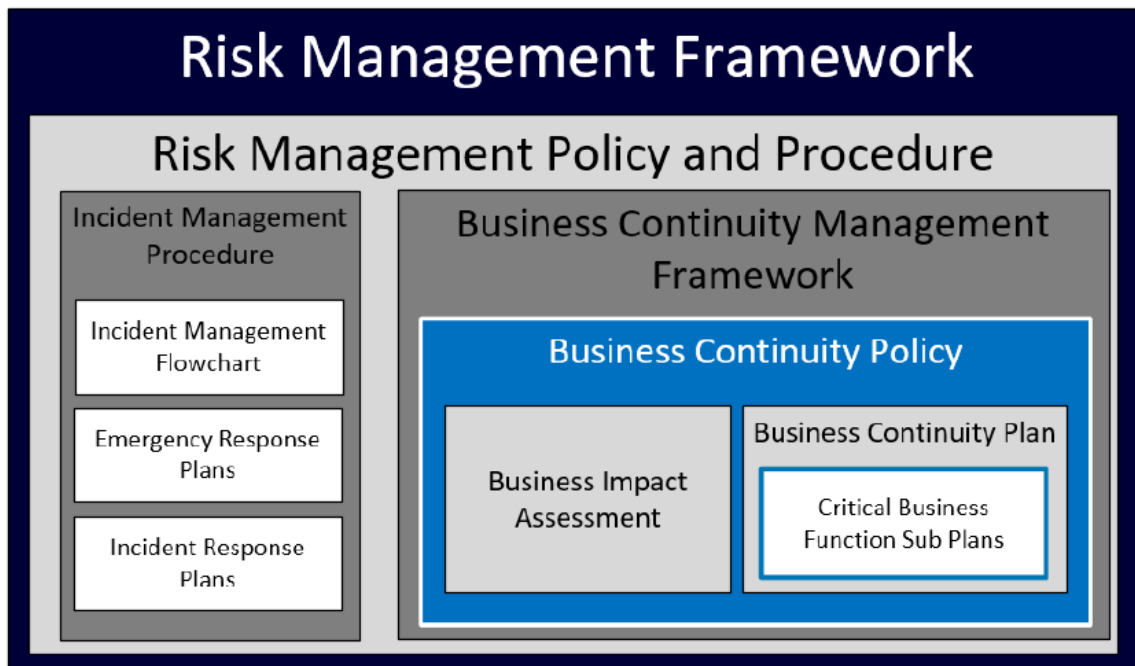
<b>ADOPTED</b>		VERSION NO	1.0
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	[DATE TO REVIEW]
DATE:	[INSERT DATE]	FILE NUMBER	RIS900011 / RM200

## Policy and Program Management

### Purpose

This policy documents Mid-Western Regional Councils (Council) commitment to the management of business continuity to minimise disruption to its core and critical business activity outputs (CBAO). Business continuity will be managed through a structured and consistent approach, for risk and criticality informed decision making that is aligned with Council’s strategic and operational objectives.

The Business Continuity Management Framework (Framework) sit within the Risk Management Framework:



### Context

Business continuity planning is an integral part of good governance and an important element in Council’s Risk Management Framework.

Council is committed to developing business resilience and securing long term performance and sustainability of its operations. By adopting a structured approach, Council will identify and analyse its core and critical business activities in order to:

- Create response plans to manage disruption to these outputs.
- Minimise consequences as a result of a disruptive event.

- Mitigate potential consequences of a disruption to a CBAO.

Continual improvement strategies will be implemented within the Framework to ensure procedures and plans are current and effective in the event they need to be enacted.

Councils approach to business continuity is consistent with the professional practices detailed in the *Business Continuity Institutes Good Practice Guide 2018 (BCI GPG)*. These practices build on the requirements within *ISO 22301:2012 Security and resilience: Business continuity management systems* by ensuring a top to bottom and integrated approach to business continuity. It further describes the key stages in developing, implementing and managing a successful business continuity program.



BCI GPG PROFESSIONAL PRACTICE	COUNCIL COMMITMENT
Policy and Program Management	Council will ensure top level management commitment to developing Business Continuity Management Framework that defines how business continuity processes will be developed, implemented and reviewed.
Embedding	Business continuity shall be integrated into business as usual activities and organisational culture, using a collaborative approach between related management disciplines to improve organisational resilience overall.
Analysis	Council shall review and assess its operational and strategic objectives to understand how it functions and what constraints exist in its operating environments.
Design	Council shall identify and implement appropriate solutions to minimise disruption to critical business functions and the consequences to Council when a disruptive event occurs.
Implementation	Council shall identify and document the priorities, procedures, responsibilities and resources identified in the analysis and design phases to ensure recovery of disrupted critical business activity outputs to a predefined level of services and within the planned timeframes.
Validation	Council shall ensure that processes are in place to confirm the business continuity program meets the objectives set in the policy, and that the plans and procedures in place remain current, accurate, effective and complete.



## Objective

The objective of this policy is to:

- Confirm Council’s commitment to the management of business continuity through a comprehensive and structured approach.
- Communicate the importance of, and expectations surrounding business continuity as it applies to Council.
- Assign roles and responsibilities relating to the management and lifecycle of business continuity.
- Ensure the documents that sit within the Framework can support Councils capability to effectively respond to a disruptive event.
- Outline the processes Council shall adopt to ensure a consistent approach to the management of continuity of Councils critical business activities outputs during a disruptive event.
- Ensures that systems, processes and documentation are established for staff to use when developing and implementing business continuity plans within their department or team.

## Scope

The requirements within this policy and the rest of the Framework shall apply to all Council workers (including labour hire and temporary employees), work experience people, volunteers, contractors and other relevant duty holders.

This policy extends to all current and future activities, and new opportunities.

## Governance

### Roles and responsibilities

POSITION	RESPONSIBILITIES
Council	<ul style="list-style-type: none"> <li>■ Adopt Council’s Business Continuity Policy</li> </ul>
Audit Risk and Improvement Committee (ARIC)	<ul style="list-style-type: none"> <li>■ Periodically review the Framework to ensure the documented processes are in alignment with the Business Continuity Policy and the Risk Management Framework.</li> <li>■ Ensure testing processes are in place and implemented to ensure the effectiveness of incident response and continuity plans.</li> </ul>
General Manager	<ul style="list-style-type: none"> <li>■ Approve Council’s Framework and associated procedures, plans and tools</li> <li>■ Oversee Council’s Framework and ensure it is effectively documented, communicated, implemented and reviewed regularly.</li> <li>■ Ensure sufficient resources are provided for the effective management of business continuity.</li> <li>■ Provide communications to Councillors as required upon activation of the BCP</li> </ul>

POSITION	RESPONSIBILITIES
Executive	<ul style="list-style-type: none"> <li>■ Take a lead role in developing Council’s Framework and associated procedures, plans and tools</li> <li>■ Support the communication and implementation of the Framework across Council.</li> </ul>
WHS & Risk Coordinator	<ul style="list-style-type: none"> <li>■ Support the Executive by providing clear and concise business continuity information and advice to ensure effective planning and decision-making.</li> <li>■ Coordinate activities relating to the development, implementation and maintenance of the Framework.</li> <li>■ Facilitate the Business Impact Analysis process.</li> <li>■ Provide guidance to stakeholders on the development of continuity response plans.</li> </ul>
Risk Officer	<ul style="list-style-type: none"> <li>■ Support the development, implementation and maintenance of the Framework.</li> <li>■ Provide guidance to stakeholders on the development of continuity response plans.</li> </ul>
IT Manager	<ul style="list-style-type: none"> <li>■ Coordinate activities relating to the development and maintenance of the Disaster Recovery Plan.</li> </ul>
Managers	<ul style="list-style-type: none"> <li>■ Actively participate in the identification and analysis of core business activities and development, implementation and testing of continuity plans within area of management.</li> </ul>
Workers	<ul style="list-style-type: none"> <li>■ Actively participate in the business continuity process.</li> <li>■ Maintain awareness of role and responsibilities in the event of a disruption and participate as required or directed.</li> </ul>

### Key Performance Indicators

ACTIVITY	FREQUENCY	COMPLIANCE
<b>Exercises</b>		
Conduct exercise for each sub plan	Annually	100%
Conduct exercise for Business Continuity Plan	Annually	100%
<b>Document Review</b>		
Business Impact Analysis	Biennially	100%
CBAO Sub Plan	Annually	100%
Business Continuity Plan	Biennially	100%

## Embedding

The Framework aims to foster and support a business resilience culture that identifies and responds to risk-related uncertainty, and recognises the value that these risk management practices bring to Council.

The business continuity process aims to:

- Promote honest, open and transparent risk-related conversations.
- Support organisational awareness in the identification, reporting and management of disruption related risk.
- Encourage organisation-wide understanding and importance of managing disruption related risks.

## Related policies and plans

### Business Continuity Management Framework

- Business Continuity Plan (and continuity sub-plans)
- Incident Management Flowchart
- Disaster Recovery Plan (IT)

### Risk Management Framework

- Risk Management Policy
- Risk Management Procedure
- Incident Management Procedure

## Related standards

- Business Continuity Institutes Good Practice Guide 2018
- ISO 22301:2012 Security and Resilience: Business Continuity Management Systems
- HB 292-2006 A Practitioners Guide to Business Continuity Management

## 9.9 Naming of a new street in a subdivision off Marshfield Lane, Mudgee

REPORT BY THE PROPERTY SUPPORT OFFICER

TO 20 SEPTEMBER 2023 ORDINARY MEETING

GOV400103, P12410 R0790141

### RECOMMENDATION

#### That Council:

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Marshfield Lane, Mudgee;**
2. **name this road Sutherland Grove; and**
3. **advertise the proposed name and receive a further report at the end of the exhibition period to formalise the name of the road.**

---

### Executive summary

A new subdivision off Marshfield Lane in the town of Mudgee includes one new street. Addressing requirements for the new subdivision will necessitate the naming of this new road.

### Disclosure of Interest

Nil.

### Detailed report

Council, being the Roads Authority, is required to name new and unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose a name for this new street.

Following the approval of a new subdivision off Marshfield Lane in the town of Mudgee, Council wrote to the property owner and neighbours of the subdivision on 24<sup>th</sup> of July 2023 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 28<sup>th</sup> July 2023 issue of the Mudgee Guardian and on Council's website. Submissions closed on 18<sup>th</sup> of August 2023 and during this period two submissions were received with the following names suggested:

Coronation  
Sutherland

Charles III  
Elizabeth II

These names were evaluated via the Geographical Names Board and an issue was found with Charles III and Elizabeth II as arabic or roman numerals will not be approved. Coronation and Sutherland were acceptable for use as street names.

The recommended name of Sutherland relates to John Sutherland (11/6/43-4/6/2019) who bought his family to Mudgee in 1983 when he accepted a position as a maths teacher at Mudgee High

School along with being heavily involved in Mudgee Junior Cricket. After retiring he became the Manager of The Mudgee Club and was also a life member of Mudgee Lions Club.

Street naming is legislated under the Roads Act, 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this new road will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) states that “a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name.”

In accordance with Council’s Road, Bridge and Place Naming Policy, the name that Council endorses for this road will be:

1. Advertised in the Mudgee Guardian and on Council’s website inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Transport for NSW, inviting submissions in writing for a period of 14 days.

At the expiration time for lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed road name, and Gazettal of the new road name.

## Community Plan implications

<b>Theme</b>	<b>Connecting Our Region</b>
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

## Strategic implications

### Council Strategies

Not applicable.

### Council Policies

Road, Bridge and Place Naming Policy.

### Legislation

Roads Act 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

Geographical Names Board of NSW Address Policy and User Manual, May 2021.

## Financial implications

The cost and installation of street signs at the intersection of the street being named and Marshfield Lane. The costs of which will be met by the developer.

## Associated Risks

Nil.

CAROLYN ATKINS  
PROPERTY SUPPORT OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

22 August 2023

*Attachments:* 1. Submission.  
2. Submission.  
3. Map.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## Carolyn Atkins

---

**From:** Ruth Aarts  
**Sent:** Friday, 11 August 2023 2:34 PM  
**To:** Council  
**Subject:** Re Naming Of Road.

Dear Team,

I am the owner of Marshfield Lane In Mudgee.

Suggestions for naming of road.

As it's the Coronation Of King Charles Of England and as part of the Commonwealth here are my suggestions.

Coronation Circuit-King Charles the 111-RD.

Queen Elizabeth the Place after our late Queen.

Yours Sincerely,

Ruth Aarts.

Sent from my iPad



18.08.2023

General Manager,  
Mid-Western Regional Council.

To Dear Brad

**Re: Proposed Road Street Name - Subdivision off Marshfield Lane Mudgee**

I wish to submit a suggestion for the naming of the new road off Marshfield Lane Mudgee, that being, Sutherland Circuit.

This name coming from my father, John Sutherland, who moved his young family to Mudgee on the 26<sup>th</sup> January 1983 to start a new life in the 'bush'. John, Laraine, Anne and Adam were nervous but very excited to be coming to Mudgee and leaving all their family behind on the Northern Beaches.

Not really knowing Mudgee, except he used to travel on the train to holiday in Rylstone at Mr & Mrs White's property, he just knew it would be a great lifestyle for his children to grow up in and a lifestyle that he loved as a child.

He taught at Mudgee High School as a senior maths teachers making many friends with the staff and pupils alike.

Heavily involved in junior cricket, he and Mr Gooley, rang Mudgee Junior Cricket for approx. 10years, in which his children participated in.

Once resigning from The Department at MHS he became the Manager of The Mudgee Club (gentlemans only club) for approx. 6yrs, again meeting many different people.

Making life long friends along the way, John, relished in Mudgee life and after the 30yr initiation, became a 'local' in 2013.

Unfortunately my dad passed away in 2019, to cancer, but was remember by over 250 people at a church service at St Johns. This being a testament to the type of friendly, open, honest and genuine character he was.

I think naming a street in Mudgee, the town that he truly loved, would be such a fitting gesture and an honour that he and his family will treasure.

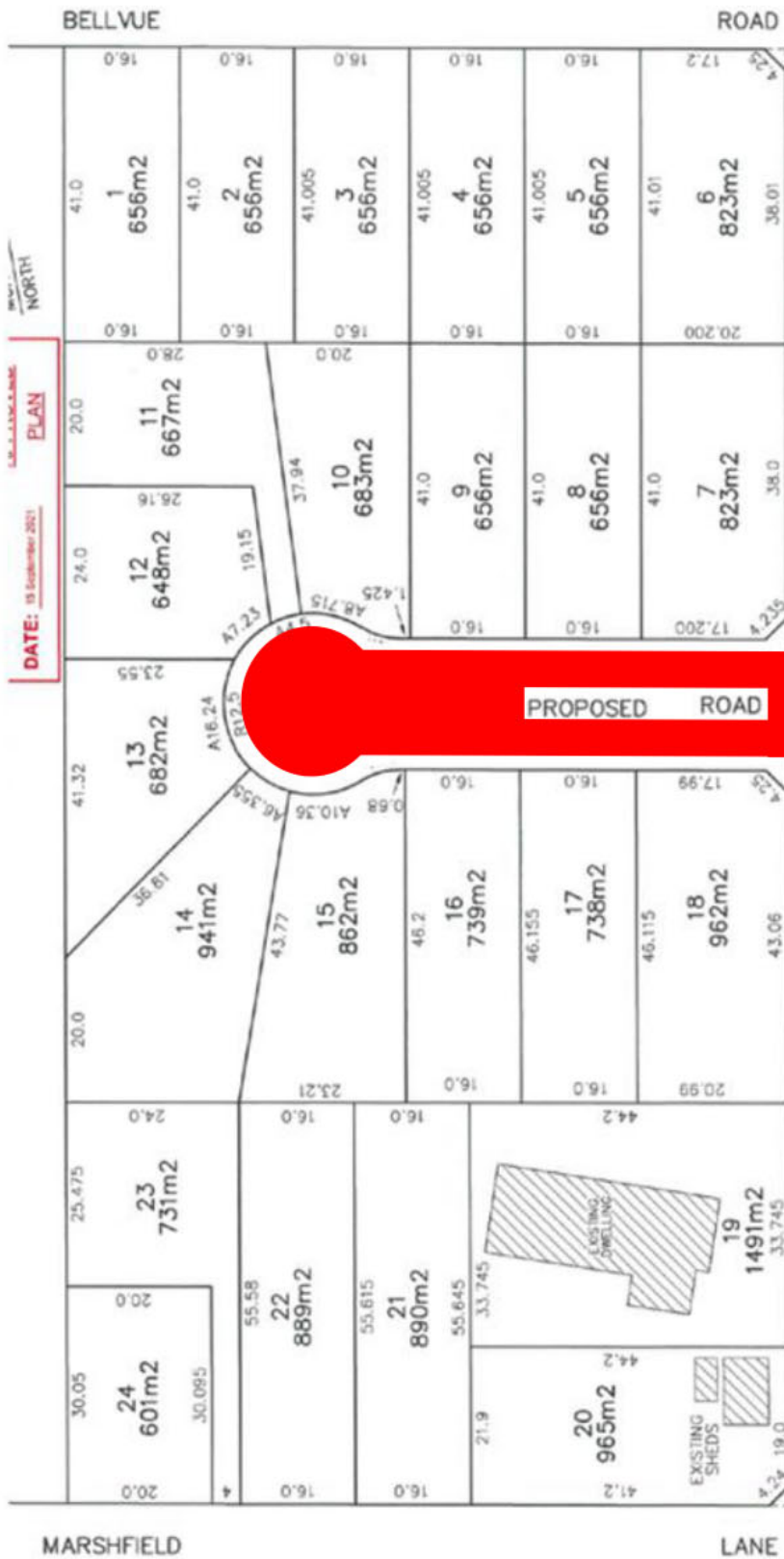
Please consider my submission for a street to be named after my Dad, John Sutherland. It would be a lovely way to remember a kind and loving man.

Thank you

Annie Biffin

Handwritten signature of Annie Biffin.





New Road to be named

## 9.10 Draft Plan of Management Old Gulgong Fire Station - Post Crown Review

### REPORT BY THE MANAGER PROPERTY AND REVENUE

TO 20 SEPTEMBER 2023 ORDINARY MEETING

GOV400103, COU500102, 4532, 8586, 13084

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station - Post Crown Review ;**
2. **note and adopt the changes advocated by Department Planning & Environment – Crown Lands & Public Spaces as indicated in this Report to the draft v7 Plan of Management Old Gulgong Fire Station;**
3. **note that written consent of the draft v7 Plan of Management Old Gulgong Fire Station as amended by Department Planning & Environment – Crown Lands & Public Spaces has been received;**
4. **place the amended draft v7 Plan of Management Old Gulgong Fire Station on public exhibition, as per s38 of the Local Government Act 1993; and**
5. **receive a further report at the conclusion of the public exhibition period to consider any submissions received or if substantial changes are recommended for any reason.**

---

### Executive summary

The purpose of this report is for Council to consider the proposed changes advocated by Department Planning & Environment – Crown Lands & Public Spaces (Crown) as cited in draft v7 Plan of Management for the Old Gulgong Fire Station (the PoM) and; for Council to resolve to place the amended draft PoM on public exhibition as per s38 of the Local Government Act 1993 (the Act), if the proposed Crown changes are adopted.

Draft v7 of the PoM is appended as Attachment 1 to this report.

### Disclosure of Interest

Nil

### Detailed report

At the Meeting of Council held on 21 September 2022, Council was presented with the draft v6 PoM .

Council resolved, via Minute 281/22, to refer this version to Crown for consideration in accordance with s39 of the Act to seek written consent to adopt the draft Plan in accordance with s3.23(6) Crown Land Management Act 2016 (CLMA).

Crown has subsequently reviewed this version and has approved the exhibition of the Old Gulgong Fire Station Plan of Management based on the following amendments:

- A contraction of the area designated for extension of the Community Use Space on the preferred use diagram, to be contained within the existing Old Fire Station Reserve as shown on the following diagrams –

Proposed use/purpose boundaries cited in v6 of the PoM



Use/purpose boundaries as directed by Crown and as amended in v7 of the PoM



Figure 25 - Preferred Use

Crown's direction means that any proposed extension to the Fire Station building will need to be confined to the Fire Station building site. Whilst future extension of the building cannot spill over onto the car park site, the other uses which would complement the building site development on its south/east boundary such as access, landscaping, rest infrastructure, signage/information, will be considered as ratified uses, ancillary to the reserve purpose of Car Park.

- Update of the PoM for changes in the State wide Environmental Planning Instruments.
- Removal of a footnote suggesting additional purposes for R90876 – for Preservation of Historic Sites and Buildings.
- Other amendments of a minor nature.

None of these amendments greatly impact Council's intent for the future management and development of the Reserves.

Draft v6 has been subsequently amended to accommodate Crown's directions.

Crown's letter of consent/support for v7 of the PoM is appended as attachment 2 to this report.

It is recommended that Council adopt the amendments as advocated by Crown and proceed to exhibit v7 of the Pom in accordance with s38 of the Act.

During the exhibition period, it is proposed to conduct a walk-in open session to invite the public to review the PoM and discuss its aspects with the consultant and Council staff.

#### NOTIFICATION AND EXHIBITION

Sections 38, 39, 40A LGA and section 3.23 CLMA set out the requirements.

The PoM will be placed on public exhibition for a period of 28 days, allowing not less than 42 days after the date on which the draft plan is placed on exhibition, to receive submissions.

If significant amendments are made to a draft PoM in relation to a reserve, the PoM must be referred back to the Crown with further public exhibition if required. If proposed changes are not substantial, a draft PoM may be referred to Council for consideration to adopt without further Crown referral or public exhibition.

### Community Plan implications

<b>Theme</b>	<b>Good Government</b>
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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### Strategic implications

#### **Council Strategies**

The PoM will provide strategic direction for Community Land and Crown Land and is consistent with Council's responsibilities under the Act and the CLMA. The PoM identifies the permissible uses and possible development for the land parcels cited. Identified possible development may be considered through the normal operational planning and budget processes and constraints.

Council may not undertake any activities, uses or developments which are not provided for in the PoM.

### **Council Policies**

Not applicable

### **Legislation**

#### Crown Land Management Act 2016

Division 3.4 – Crown Land managed by Councils.

Division 3.6 – Plans of Management and other plans.

Section 8.7 - When advice of Native Title Manager is required.

#### Local Government Act 1993

Part 2 Division 2 – Use and Management of Community Land.

#### Native Title Act 1993 (Commonwealth)

Section 233 – Future Act.

### Financial implications

The PoM will not have an immediate financial impact. Any future priorities identified as part of the PoM will be considered through the normal operational planning and budget processes.

### Associated Risks

The PoM was prepared by a consultant in consultation with Council's management, the general public and Crown. It addresses Council's various public land management obligations under the Act and the CLMA and clearly sets out these requirements.

One of the key aims of a PoM is to ensure that management of Crown Reserves is conducted in accordance with requirements of the NSW *Aboriginal Land Rights Act 1983* and *Native Title Act 1993*, reducing the potential for Council to be in breach of either piece of legislation.

There is a risk of delay for the use or development of the Fire Station or adjoining Reserve sites due to the lengthy process if an amendment is required to the PoM.

DIANE SAWYERS  
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

5 September 2023

- Attachments:**
1. Final draft POM Gulgong Fire Station - v7. (separately attached)
  2. Letter Consent Minister - Old Gulgong Fire Station PoM v7. (separately attached)

#### APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## Item 10: Operations

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Nil

## Item 11: Community

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### 11.1 Agency Information Guide

REPORT BY THE GOVERNANCE CO-ORDINATOR  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, GOV400098, GOV400047

#### RECOMMENDATION

##### That Council:

- 1. receive the report by the Governance Co-ordinator on the Agency Information Guide; and**
  - 2. adopt the Agency Information Guide.**
- 

#### Executive summary

The Agency Information Guide (AIG) is a statutory requirement of the Government Information (Public Access) Act 2009 (GIPA Act) and must be reviewed every 12 months. The proposed changes have been reviewed by the Privacy Commissioner in accordance with sections 20 to 22 of the Act.

#### Disclosure of Interest

Nil

#### Detailed report

The Information and Privacy Commission NSW have assessed the Councils AIG against the requirements of sections 20 to 22 of the GIPA Act and guidance published by the IPC. The AIG must be reviewed every twelve months; however, the review has been placed on until the recent organisation restructure had been finalised.

Minor administrative changes have been made to the AIG, with the most significant changes being:

- Changes to the organisation structure;
- Updating to current legislation;
- Updating the Right to Information Officer from the Manager Customer Services and Governance to the Governance Coordinator;
- Removal of the outdated Information Access Request form;
- Advising of Council's open access information requirements and the documents we have available to the public
- Addition of charges and link to Council's fees and charges in relation to information requests
- Removal of the outdated GIPA Access Application form; and

- Separating the Access to Information Policy from the AIG as both documents reference one another.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

## Strategic implications

### Council Strategies

Community Plan

### Council Policies

Access to Information Policy  
Privacy Management Plan

### Legislation

Government Information (Public Access) Act 2009

## Financial implications

Not Applicable

## Associated Risks

It is a legislative requirement that Council review and adopt an AIG every 12 months. Failure to do so would result in a legislative breach.

ASHLEIGH MARSHALL  
GOVERNANCE CO-ORDINATOR

SIMON JONES  
DIRECTOR COMMUNITY

3 July 2023

*Attachments:* 1. Agency Information Guide.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER





*Good  
Government*

## AGENCY INFORMATION GUIDE

SEPTEMBER 2023

Prepared in accordance with provisions of Section 20 of the Government Information (Public Access) Act 2009.

■ ■ ■ ■ ■ TOWARDS 2030



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## Preface

This Agency Information Guide has been produced by Mid-Western Regional Council in accordance with s.20 of the Government Information (Public Access) Act 2009. The guide is to be reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Mid-Western Regional Council;
- The way in which the functions of Mid-Western Regional Council affect members of the public;
- The means by which members of the public can participate in policy development and the exercise of Council's functions;
- The type of information that is available from Mid-Western Regional Council and how this information is made available.

The Agency Information Guide is available on Council's website <http://www.midwestern.nsw.gov.au/>;

**BRAD CAM**  
**GENERAL MANAGER**



# 1. Structure and functions of Council

## 1.1 Introduction

Mid-Western Regional Council is constituted under the Local Government Act 1993 and was proclaimed on 26 May 2004. The Council is an undivided area, with nine (9) Councillors elected each 4 year term. The next Council elections will be held in September 2024. The Mayor is elected every two years by the Councillors from among their numbers.

## 1.2 Role of the Governing Body

The role of the Councillors, as members of the body corporate are:

- to direct and control the affairs of the Council in accordance with the Local Government Act 1993 (the Act)
- to provide effective civic leadership to the local community
- to ensure as far as possible the financial sustainability of the Council
- to ensure as far as possible that the Council acts in accordance with the principles set out in Chapter 3 of the Act and the plans, programs, strategies and policies of the Council
- to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of council resources to implement the strategic plans (including the community strategic plan) of Council and for the benefit of the local area
- to keep under review the performance of Council, including service delivery
- to make decisions necessary for the proper exercising of Council's regulatory functions
- to determine the process for appointment of the General Manager by Council and to monitor the General Manager's performance
- to determine the senior staff positions within the organisation structure of the Council
- to consult regularly with community organisations and key stakeholders and keep them informed of the Council's decisions and activities
- to be responsible for ensuring that the Council acts honestly, efficiently and appropriately, and
- the governing body is to consult with the General Manager in directing and controlling the Council

## 1.3 Role of a Councillor

The role of a Councillor is as follows:

- to be an active and contributing member of the governing body'
- to make considered and well informed decisions as a member of the governing body
- to participate in the development of the integrated planning and reporting framework
- to represent the collective interests of residents, ratepayers and the local community
- to facilitate communication between the local community and the governing body
- to uphold and represent accurately the policies and decisions of the governing body
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor, and
- a Councillor is accountable to the local community for the performance of the Council

## 1.4 Role of the Mayor

The role of the Mayor is as follows:

- to be the leader of the Council and a leader in the local community
- to advance community cohesion and promote civic awareness
- to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities
- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
- to preside at meetings of the Council
- to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with the Act
- to ensure the timely development and adoption of the strategic plans, programs and policies of the Council
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council
- to promote partnerships between the Council and key stakeholders,
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- to carry out the civic and ceremonial functions of the Mayoral office
- to represent the Council on regional organisations and at inter-Governmental forums at regional, State and Commonwealth level
- in consultation with the Councillors, to lead performance appraisals of the General Manager, and
- to exercise any other functions of the Council that the Council determines

## 1.5 Role of the General Manager

The General Manager of a Council has the following functions:

- to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council
- to implement, without undue delay, lawful decisions of the Council
- to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council
- to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council
- to prepare, in consultation with the Mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report
- to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions
- to exercise any of the functions of the Council that are delegated by the Council to the General Manager
- to appoint staff in accordance with the organisation structure determined under this chapter and the resources approved by the Council
- to direct and dismiss staff
- to implement the Council's workforce management strategy
- any other functions that are conferred or imposed on the General Manager by or under this or any other act

## 1.6 Senior staff

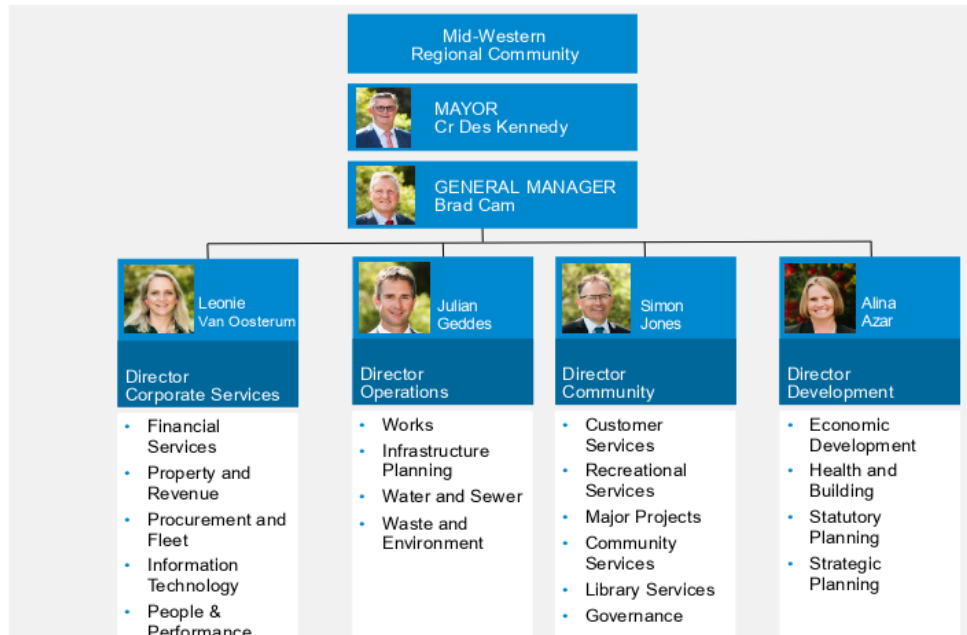
To assist the General Manager in the exercising of these functions, the General Manager in consultation with the Council has established four Directorates:

- Community
- Operations
- Development
- Corporate Services

Each Directorate is headed by a Director reporting to the General Manager. These positions and the General Manager are referred to as Council's senior staff.

The Council's Executive Team consists of the General Manager and the four directors.

## 1.7 Organisational structure



## 1.8 Council functions

Council has functions conferred or imposed on it by the Local Government Act, 1993 (the LGA). These functions are:

Service	Regulatory	Ancillary	Revenue	Administrative	Enforcement
<ul style="list-style-type: none"> <li>Provision of community – health, recreation, education &amp; information services</li> <li>Environmental protection</li> <li>Waste removal &amp; disposal</li> <li>Land &amp; property, industry &amp; tourism development &amp; assistance</li> <li>Civil - Infrastructure</li> <li>Planning Maintenance &amp; Construction</li> </ul>	<ul style="list-style-type: none"> <li>Approvals</li> <li>Orders</li> <li>Building Certificates</li> <li>Appeals</li> </ul>	<ul style="list-style-type: none"> <li>Resumption of land</li> <li>Powers of entry and inspection</li> </ul>	<ul style="list-style-type: none"> <li>Rates</li> <li>Charges</li> <li>Fees</li> <li>Borrowings</li> <li>Investments</li> <li>Grants</li> </ul>	<ul style="list-style-type: none"> <li>Employment of staff</li> <li>Community Strategic and Management plans</li> <li>Financial reporting</li> <li>Annual reports</li> </ul>	<ul style="list-style-type: none"> <li>Proceedings for breaches of the Local Government Act &amp; Regulations and other Acts &amp; Regulations</li> <li>Prosecution of offences</li> <li>Recovery of rates and charges</li> </ul>

As well as the Local Government Act 1993 (LGA), Council has powers under other Acts and Regulations including:

MID-WESTERN REGIONAL COUNCIL - AGENCY INFORMATION GUIDE

A to C	<ul style="list-style-type: none"> <li>Boarding Houses Act 2012</li> <li>Biodiversity Conservation Act 2016</li> <li>Biosecurity Act 2015</li> <li>Building and Development Certifiers Act 2018</li> <li>Children (Protection and Parental responsibility) Act 1997</li> </ul>	<ul style="list-style-type: none"> <li>Commons Management Act 1989</li> <li>Community Land Development Act 1989</li> <li>Community Land Management Act 2021</li> <li>Companion Animals Act 1998</li> <li>Companion Animals Regulation 2018</li> </ul>	<ul style="list-style-type: none"> <li>Contaminated Land Management Act 1997</li> <li>Cemeteries and Crematoria Act 2013</li> <li>Conveyancing Act 1919</li> <li>Crown Land Management Act 2016</li> <li>Crown Land Management Regulation 2018</li> </ul>
C to G	<ul style="list-style-type: none"> <li>Crown Lands (General Reserves) By-Laws 2006</li> <li>Dams Safety Act 2015</li> <li>Electricity Infrastructure Investment Act 2020</li> <li>Electricity Supply Act 1995</li> <li>Environmental Planning and Assessment Act 1979</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Regulation 2021</li> <li>Fines Act 1996</li> <li>Fire and Rescue NSW Act 1989</li> <li>Fluoridation of Public Water Supplies Act 1957</li> <li>Food Act 2003</li> </ul>	<ul style="list-style-type: none"> <li>Game and Feral Animal Control Act 2002</li> <li>Geographical Names Act 1966</li> <li>Government Information (Public Access) Act 2009</li> <li>Government Information (Public Access) Regulation 2018</li> <li>Graffiti Control Act 2008</li> </ul>
H to L	<ul style="list-style-type: none"> <li>Heritage Act 1977</li> <li>Holiday Parks (Long-term Casual Occupation) Act 2002</li> <li>Housing Act 2001</li> <li>Inclosed Lands Protection Act 1901</li> <li>Independent Pricing and Regulatory Tribunal Act 1992</li> </ul>	<ul style="list-style-type: none"> <li>Land Acquisition (Just Terms Compensation) Act 1991</li> <li>Land and Environment Court Act 1979</li> <li>Library Act 1939</li> <li>Library Regulation 2018</li> <li>Liquor Act 2007 and Liquor Regulation 2018</li> </ul>	<ul style="list-style-type: none"> <li>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</li> <li>Local Government and Other Authorities. (Superannuation) Act 1927</li> </ul>
L to R	<ul style="list-style-type: none"> <li>Local Land Services Act 2013</li> <li>Major Events Act 2009</li> <li>Mining Act 1992</li> <li>Motor vehicle Sports (Public safety Act) 1985</li> <li>Ombudsman Act 1974</li> <li>Pesticides Act 1999</li> <li>Pipelines Act 1967</li> </ul>	<ul style="list-style-type: none"> <li>Privacy &amp; Personal Information Protection Act 1998</li> <li>Protection of the Environment Operations Act 1997</li> <li>Protection of the Environment Operations (Waste) Regulation 2014</li> <li>Public Health Act 2010</li> <li>Public Health Regulation 2012</li> </ul>	<ul style="list-style-type: none"> <li>Public Interest Disclosures Act 1994</li> <li>Public Spaces (Unattended Property) Act 2021</li> <li>Public Works and Procurement Act 1912</li> <li>Real Property Act 1900</li> <li>Recreation Vehicles Act 1983</li> <li>Restricted Premises Act 1943</li> </ul>
R to W	<ul style="list-style-type: none"> <li>Roads Act 1993</li> <li>Road Transport (General) Regulation 2021</li> <li>Road Transport Act 2013</li> <li>Rural Fires Act 1997</li> <li>Rural Fires Regulation 2013</li> <li>Service NSW (One-stop Access to Government Services) Act 2013</li> <li>State Emergency &amp; Rescue Management Act 1989</li> <li>State Emergency Service Act 1989</li> </ul>	<ul style="list-style-type: none"> <li>State Records Act 1998</li> <li>Strata Schemes Development Act 2015</li> <li>Strata Schemes Development Regulation 2016</li> <li>Strata Schemes Management Act 2015</li> <li>Surveying and Spatial Information Act 2002</li> <li>Swimming Pools Act 1992</li> <li>Swimming Pools Regulation 2018</li> </ul>	<ul style="list-style-type: none"> <li>Tattoo Parlours Act 2012</li> <li>Transport Administration Act 1988</li> <li>Trees (Disputes Between Neighbours) Act 2006</li> <li>Unclaimed Money Act 1995</li> <li>Valuation of Land Act 1916</li> <li>Water Management Act 2000</li> <li>Wilderness Act 1987</li> <li>Work Health Safety Act 2011</li> <li>Workers Compensation Regulation 2016</li> </ul>



## 2. Impact of Council functions on the public

As a service organisation, the majority of the activities of Mid-Western Regional Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

FUNCTION	DESCRIPTION
Service	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, Family Day Care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of waste and recyclable materials.
Regulatory	Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives and safety of any persons. Members of the public must be aware of, and comply with, such regulations.
Ancillary	Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
Revenue	Revenue functions affect the public directly, in that revenue from rates and other charges paid by the public, is used to fund services and facilities provided to the community.
Administrative	Administrative functions do not necessarily affect the public directly, but have an indirect impact on the community through the efficiency and effectiveness of the service provided.
Enforcement	<p>Enforcement functions only affect those members of the public who are in breach of certain legislation. Council has enforcement powers in relation to the following functions:</p> <ul style="list-style-type: none"> <li>■ Development and building control</li> <li>■ Pollution control</li> <li>■ Water, sewer and septic systems</li> <li>■ Biodiversity conservation</li> <li>■ Biosecurity weeds</li> <li>■ Environmental health</li> <li>■ Public health and safety</li> <li>■ Companion animals</li> <li>■ Fire safety</li> <li>■ Food safety</li> </ul>
Community planning and development	<p>Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:</p> <ul style="list-style-type: none"> <li>■ Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.</li> <li>■ Providing support to community and sporting organisations through provision of grants, training and information.</li> </ul> <p>Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, as well as promoting other events</p>

## 3. Public participation in Local Government

Mid-Western Regional Council supports the principles of open Government and encourages community involvement in policy development and general activities of Council.

Council live streams its monthly meetings, which can be viewed online here:

<http://webcast.midwestern.nsw.gov.au/>

There are two broad ways in which the public may participate in policy development and the general activities of the Council. These are through representation and personal participation.

### 3.1 Representation

Councils in New South Wales are elected every four years. The next elections are to be held in September 2024.

At each election, voters elect nine Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory.

#### Councillors elected in December 2021

 <p><b>MAYOR</b> Des Kennedy</p>	 <p><b>DEPUTY MAYOR</b> Sam Paine</p>	 <p><b>COUNCILLOR</b> Paul Cavalier</p>
<p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 02 6378 2850 <a href="mailto:councillor.kennedy@midwestern.nsw.gov.au">councillor.kennedy@midwestern.nsw.gov.au</a></p>	<p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 225 285 <a href="mailto:councillor.paine@midwestern.nsw.gov.au">councillor.paine@midwestern.nsw.gov.au</a></p>	<p>PO Box 1213 Mudgee NSW 2850  0403 995 533 <a href="mailto:councillor.cavalier@midwestern.nsw.gov.au">councillor.cavalier@midwestern.nsw.gov.au</a></p>
 <p><b>COUNCILLOR</b> Katie Dicker</p>	 <p><b>COUNCILLOR</b> Alex Karavas</p>	 <p><b>COUNCILLOR</b> Robbie Palmer</p>
<p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 234 849 <a href="mailto:councillor.dicker@midwestern.nsw.gov.au">councillor.dicker@midwestern.nsw.gov.au</a></p>	<p>34 Spring Road Mudgee NSW 2850  0428 670 905 <a href="mailto:councillor.karavas@midwestern.nsw.gov.au">councillor.karavas@midwestern.nsw.gov.au</a></p>	<p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 246 381 <a href="mailto:councillor.palmer@midwestern.nsw.gov.au">councillor.palmer@midwestern.nsw.gov.au</a></p>
 <p><b>COUNCILLOR</b> Peter Shelley</p>	 <p><b>COUNCILLOR</b> Phil Stoddart</p>	 <p><b>COUNCILLOR</b> Percy Thompson</p>
<p>c/- Rylstone Newsagency 78 Louee Street Rylstone NSW 2849 0403 156 405 <a href="mailto:councillor.shelley@midwestern.nsw.gov.au">councillor.shelley@midwestern.nsw.gov.au</a></p>	<p>c/- Mid-Western Regional Council PO Box 156 Mudgee NSW 2850 0407 208 730 <a href="mailto:councillor.stoddart@midwestern.nsw.gov.au">councillor.stoddart@midwestern.nsw.gov.au</a></p>	<p>'Morrington' 325 Mebul Road Mebul NSW 2852 0428 740 226 <a href="mailto:councillor.thompson@midwestern.nsw.gov.au">councillor.thompson@midwestern.nsw.gov.au</a></p>

## 3.2 Personal participation

Residents are able to raise issues with, and make representations to the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf. It is the role of Councillors to represent the collective interests of residents, ratepayers and the local community.

Council encourages residents to make submissions when development applications and local policy is placed on exhibition. These exhibitions are advertised in local newspapers and on display at Council's three administration centres, Rylstone, Mudgee and Gulgong. They can also be accessed online using the link below;

<https://www.midwestern.nsw.gov.au/Council/Documents-on-exhibition>

Members of the public are able to attend Council meetings held on the third Wednesday of each month – except for January, when there are no meetings. Meetings are conducted in the Council Chambers, Administration Building, 86 Market Street, Mudgee.

Prior to meetings Council conducts a Public Forum which is an opportunity for persons to address Council on subjects that are matters of business for that meeting of the Council.

Council also has the following Community Committees comprising and including members of the public:

- Mudgee Showground Management Committee
- Mudgee Sports Council Sub Committee
- Gulgong Memorial Hall Committee
- Gulgong Sports Council Sub Committee
- Rylstone & Kandos Sports Sub Committee
- Mid-Western Regional Council Access Committee
- Mid-Western Regional Youth Council
- Red Hill Committee
- Botobolar Community Committee
- Rail Committee
- Mudgee District U3A Committee
- Cultural Development Committee

## 4. Access to Government information

Mid-Western Regional Council is committed to the principle of open and transparent Government. To facilitate public access to Council information, Council has adopted an Access to Information Policy. The object of this policy is to inform the public that they have lawful rights to access Council information and to describe the procedures for gaining access.

Under the provisions of the Government Information (Public Access) Act 2009 there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

There are four main ways under the GIPA Act in which Council may provide access to information:

1. Mandatory Proactive Release
2. Proactive Release
3. [Informal Release](#)
4. [Formal Access Application](#)

### 4.1 Government information held by Council

Council holds a wide range of information, in both hard copy and electronic forms in respect of the wide range of functions. That information is contained in:

- Files – either physical or electronic
- Strategies and plans
- Policy documents
- General documents

### 4.2 Open access information

Schedule 1 of the GIPA Regulation prescribes information contained in certain records to be open access. The following open access information is available on Council's website:

- [the model code prescribed under section 440 \(1\) of the LGA and the code of conduct adopted under section 440 \(3\) of the LGA,](#)
- [code of meeting practice,](#)
- [annual report,](#)
- [annual financial reports,](#)
- [auditor's report,](#)
- [management plan,](#)
- [EEO management plan,](#)

- [policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,](#)
- returns of the interests of [councillors](#) and [designated persons,](#)
- [agendas and business papers for any meeting of the local authority or any committee of the local authority \(but not including business papers for matters considered when part of a meeting is closed to the public\),](#)
- [minutes of any meeting of the local authority or any committee of the local authority, but restricted \(in the case of any part of a meeting that is closed to the public\) to the resolutions and recommendations of the meeting,](#)
- [reports by the Chief Executive of the Office of Local Government presented at a meeting of the local authority in accordance with section 433 of the LGA.](#)
- [register of investments,](#)
- [register of delegations,](#)
- register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
- the register of voting on planning matters kept in accordance with section 375A of the LGA.

The following open access information is not currently available on Council's website but can be viewed in person:

- land register
- register of graffiti removal work kept in accordance with section 13 of the [Graffiti Control Act 2008](#)
- information about development applications
- approvals, orders and other documents

### 4.3 Council's strategies and plans

Council's strategies and plans are prescribed as open access information under the GIPA Regulation and are available from Council's website. The following link will guide you to these documents <http://www.midwestern.nsw.gov.au/council/council-documents/>

### 4.4 Council policy information

Council's policies are prescribed as open access information under the GIPA Regulation and are maintained in an internal policy register. Council Policies are available to view on Council's website at <https://www.midwestern.nsw.gov.au/Council/Policies-plans-and-reporting/Policies>

### 4.5 Files – both physical and electronic

Prior to 1996, Council maintained a "hard copy" filing system, with material being held in physical, paper-based files. Archived hard copy files are maintained in storage, mainly consisting of development, building or construction information. These records will not be transferred to electronic form and will not be published to Council's website, however information from these files

may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of the Government Information (Public Access) Act (GIPAA).

## 4.6 Charges

Schedule 1 of the Government Information (Public Access) Regulation requires that prescribed open access Government information held by Council, is to be made publicly available for inspection, free of charge.

The public is entitled to inspect Government information either on Council's website (unless there is an unreasonable additional cost to Council to publish this Government information on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by Council.

Part 10 of the Local Government Act 1993 commencing at clause 607A provides for the Council to charge and recover fees.

Where copies of information are requested, photocopying and printing charges apply as per the Administration Services fees published on Council's website,

Requests for information not considered open access information may be subject to processing charges of \$30 per hour as published in Council's fees and charges under Information Requests. Information that is considered personal information to the person that is requesting the information will have any processing charges waived for the for 20 hours. Any applicable photocopying and printing charges may be incurred in addition to the processing fee.

Councils fees and charges can be viewed at <https://portal.lgsolutions.net.au/Fees/Public/Mid-Western%20Regional%20Council>

Requests for information made under the GIPA Act are subject to statutory charges as per the legislation. A fee of \$30 is payable on application and counts toward the first 2 hours of processing time. Additional processing time is charged at \$30 per hour.

## Public registers

Council maintains other registers which are required by law to be available for public inspection.

Where the public register contains personal or health information, Council is required to ensure that access by a member of the public is for a purpose consistent with the purpose for which the register exists. The Local Government Code of Practice issued under the Privacy and Personal Information Protection Act (PPIPA) permits Council to provide access to such registers by way of inspection on Council premises and for the copying of an entry or page in the register without regard to the purpose of the person who seeks access.

Council reserves the right to seek to satisfy itself about the purpose of access and to require a statutory declaration from the person seeking access that personal information will only be used for a specified lawful purpose.

Council maintains some registers which are not available for public inspection. Particular entries in these registers, for example from Council's Rates Record and the Record of Property Taken Possession of by Authorised Offices required by the Public Spaces (Unattended Property) Act, are available to any person. In the case of an application for a certificate of an entry in the Rates Record under Section 603 of the LGA, a charge is payable.

### Access to other documents held by Council

Other Council documents are available for inspection under the GIPA Act unless disclosure is, on balance, contrary to the public interest. Any application must be received in writing and will be processed promptly and within the agreed timeframe.

The request should specify the documents sought, with a reference to any time or date limitations. Any application will be considered on its merits and considered in the light of the obligation to make documents available unless public interest considerations favour the withholding of the document(s).

### Information and documents not usually available

Information about the name of a property owner is in the public domain through internet access to the register maintained by the NSW Land and Property Information Service.

Council holds information about property ownership for the purpose of carrying out its functions. Council policy is not to make available information about the name of a property owner except in emergency circumstances or where the enquirer can establish a clear need to know.

Council will not supply bulk property data to third parties for the purposes of direct marketing.

Documents listed below will not usually be available because they are excluded from the right to access by an express provision in the LGA, or Council has concluded that disclosure of such documents, or documents containing information of the kind indicated would, in the usual case, be contrary to the public interest.

### Documents not available because of provisions in LGA

The following information will not be available:

- Papers submitted to Council for consideration in a closed session
- Documents containing information about personnel matters concerning particular individuals, the personal hardship of any resident or rate payer, trade secrets or other sensitive commercial information, or where disclosure would find an action for breach of confidence
- Documents that contain information, the release of which would constitute an offence against an Act

### Other documents not available

- Documents or parts of documents which would reveal the identifying particulars of persons who provide information to Council in connection with its law enforcement and regulatory responsibilities, or who otherwise contact Council about matters of interest or concern, including complaints about other persons conduct or activities, and matters that require investigation by Council

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- Documents which reveal confidential communications between the Council and its legal advisers, or documents which have been prepared by Council officers or others for the dominant purpose of use in proposed or anticipated legal proceedings
- Documents, the release of which are likely to endanger the life or safety of any person, or the security of any building or structure, or which would prejudice the conduct of a lawful investigation by Council or another authority
- Documents concerning Council functions or operations where disclosure would have a prejudicial effect on Council's property or financial interests, or would otherwise have an adverse effect on its regulatory functions, or its capacity to operate in an efficient and effective manner
- Council working documents prepared or received in connection with its decision making functions, prior to the making of a decision by Council, a committee of Council, or an officer exercising delegated authority

It should be noted that access through verbal advice as to the content of documents listed above is also not available.

### Large general requests for access to documents

Broad, general requests for a large number of documents, for example all documents of a certain kind, or documents held on a number of different Council files, or which otherwise require a substantial allocation of Council resources, may be refused after consideration of the public interest factors involved by Council's Public Officer/ Right to Information Officer.

The Officer may, in the light of an assessment of the work involved in identifying, locating, collating and assessing a large number of Council documents, conclude that access should be refused on the grounds that the substantial diversion of Council resources necessary to deal with the application would, on balance, be contrary to the public interest.

The Public Officer/Right to Information Officer shall, in reaching such a decision consider the following:

- an assessment of the work and time involved in responding to the application
- the extent to which the work involved in dealing with the request would result in Council resources being diverted from dealing with other access requests, or from other important functions
- the nature of the documents requested and any public interests to be advanced by disclosure generally, or disclosure to the particular applicant. Council acknowledges there is a public interest in disclosure of documents about Council operations and the exercise of its functions, and in a particular applicant gaining access to documents where there is a strong and justifiable right to know

However, the right to access documents free of charge to an individual also requires consideration of the effect the processing of such an application may have on the rights of others, and on the efficient and effective use of Council resources in the interests of all ratepayers.

### Refusal of access

Where access to documents is refused under the GIPA Act, Council will advise the applicant in writing of the reasons for the decision. In the case of refusal on grounds that dealing with the request would involve the substantial diversion of Council resources, the Public Officer/Right to



Information Officer will provide details to the applicant in writing, including an estimate of the time involved in responding to the application and consideration of the other factors mentioned in these guidelines, however before doing so will give the applicant a reasonable opportunity to amend the application.

Any applicant dissatisfied with Council's handling of a request for documents under GIPA Act may seek a review in accordance with Sections 82 - 88 of the GIPA Act, and may also seek a review of reviewable decisions through either the Information Commissioner or the NSW Civil and Administrative Tribunal (NCAT).

## Copyright

Copyright issues may arise when requests are made for copies of documents held by the Council. The Commonwealth Copyright Act (1968) takes precedence over State legislation therefore the right to copy documents under GIPA or EP&A does not override the Copyright Act.

If Council commissions a report from a consultant it will be under the terms of the contract whether it can be copied.

With regard to documents supplied with development applications, Council's development application form includes a statement whereby applicants give their permission to allow documents included with a development application to be access under the GIPA Act. This permission does not override the rights of any copyright holder.

## Access to information by Councillors and Administrators

The process for access to information by Councillors and Administrators is outlined in Part 8 of Council's Code of Conduct.

## GIPA Act

Access to the GIPA Act is available from the website of the NSW Legislation website at the following link:

<https://www.legislation.nsw.gov.au/#/view/act/2009/52>

## 4.7 Public access to Government information held by Council

As far as practicable, Government information held by Council will be accessible by members of the public during office hours.

Any amendment of records held by Council will be undertaken pursuant to the provisions of the Privacy and Personal Information Protection Act 1998.

Persons interested in obtaining access to Government information can access application forms on Council's website. Those who wish to seek an amendment to the Council's records concerning their personal affairs, should contact Customer Service who will refer you to the Privacy Officer or

the Right to Information Officer. If you experience difficulty in obtaining Government information you should contact Council's Public Officer.

## 4.8 Public Officer – Right to Information Officer

The Manager Customer Service & Governance has been appointed as the Public Officer.

Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and to take delivery of documents on behalf of the Council.

The Governance Coordinator has been appointed as the Right to Information Officer.

The Right to Information Officer is responsible for determining formal applications for access to Government information (GIPA Act Access Applications) or for the amendment of records. If you have any difficulty in obtaining access to Government information.

Also, if you would like to amend a document of Council which you feel is incorrect, it is necessary for you to make written application to the Right to Information Officer in the first instance.

## 5. Further information

If you require any other advice or assistance about access to information you may contact the Information & Privacy Commission NSW website <https://www.ipc.nsw.gov.au/> or by telephone on 1800 472 679 or by email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au).

[The Data.NSW website is another useful resource that can be used by members of the public, as well as other government agencies, to access data on a wide range of NSW Government related matters.](#)

## 11.2 Kildallon Education Centre - Mudgee Arts Council 2022/2023 Annual Report

REPORT BY THE DIRECTOR COMMUNITY  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, P1122711

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Community on the Kildallon Education Centre - Mudgee Arts Council 2022/2023 Annual Report; and**
2. **note the Kildallon Education Annual Report provided by Mudgee Arts Council.**

---

### Executive summary

This report provides the 2022/2023 Annual Report from the Mudgee Arts Council for their use of the Kildallon Education Centre (70 Court Street, Mudgee). This information has been requested by Council through the Memorandum of Understanding with Mudgee arts Council for the use and operation of Kildallon.

### Disclosure of Interest

Nil

### Detailed report

In accordance with the MOU, the Mudgee Arts Council reports to Council annually on the activities at Kildallon Education Centre for the financial year. This annual report includes information about the opening event which occurred on 16 November 2022, partner organisations that make use of the facility, visitor numbers, hire income, maintenance, and future planning.

Kildallon represents a successful partnership between Council and the community to deliver an education precinct that is being well utilised. This will be enhanced by the Country University Centre that is currently under construction that is due to open in early 2024.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

### Strategic implications

**Council Strategies**  
Community Plan

**Council Policies**

Not Applicable

**Legislation**

Not Applicable

Financial implications

By having an agreement with the Mudgee Arts Council Inc to assist in the operation of the 70 Court Street facility, Council is able to keep ongoing maintenance and operational costs to a minimum, as per the current operational plan.

Associated Risks

70 Court Street is a substantial asset with a great deal of potential. Is it vital that Council retains a level of oversight over the site to ensure that it can be well used by the community and develops further as an important education and cultural resource for the community. The Memorandum of Understanding in place with Mudgee Arts Council allows Council to retain an overall strategic consideration for the site.

SIMON JONES  
DIRECTOR COMMUNITY

23 August 2023

*Attachments:* 1. Kildallon Education Centre - Mudgee Arts Council - 2022-2023 Annual Report.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

### **Kildallon Education Centre report to Mid-Western Regional Council 2022-23**

In accordance with the MOU held with Council, Mudgee Arts Council presents this report of the activities at Kildallon Education Centre in the period of the 2022-23 financial year.

#### Partner Organisations

Mudgee District U3A, Mudgee Performing Arts Society, Mudgee Concert Band, Cudgegong Camera Club and Mudgee Readers' Festival are the partner organisations making use of the facility. Each is a financial member of Mudgee Arts Council and contributes to the management of the site through monthly meetings and delegated responsibilities. Each group has benefited from having access to Kildallon.

#### Estimated visitor numbers July 2022 to June 2023

Mudgee District U3A: Current membership stands at 197. Whilst the full membership does not attend at any one time, most members attend classes at Kildallon at least once a week. Monthly attendance is estimated at 700.

Mudgee Community Band: Currently the band has 24 members averaging 17 people per week and 646 people over the last 12 months.

Mudgee Performing Arts Society: Current membership is 35. This expands when there is a pantomime being staged as it was in August 2022. Meetings and rehearsals are held at Kildallon. Cudgegong Youth Theatre also operates at Kildallon with 28 students enrolled.

Cudgegong Camera Club: Current membership is 36 with 15-20 members attending monthly meetings, giving a total of 150-200 people attending Kildallon over the year.

Mudgee Readers' Festival: While MRF does not meet at Kildallon, it does hold functions there. In November 2022 about 32 people attended an event where Ken Sutcliffe interviewed historian and author Grantlee Kieza. In May 2023 'Live and Local' (the screening of sessions from the Sydney Writers' Festival), was held at Kildallon. Over four days a total of 186 people attended the 21 sessions offered.

Hirers: Currently there are seven music tutors operating at Kildallon and there are approximately 200 students per week involved in learning a variety of instruments. There is also a String Ensemble with 10 people attending. One Art teacher also hold monthly lessons at Kildallon with class sizes varying from 6-10.

#### The Grand Opening

Kildallon was officially opened by Dugald Saunders MP on 16<sup>th</sup> November 2022. The occasion was marked by an Open Day and a Spring Fair. On the day about 500 people toured the facility and attended events held by the Partner Organisations. The Grand Opening was financed by MWRC through a grant from the Reconnecting Regional NSW Community Events Grant.

#### Maintenance

MAC is grateful for the ongoing efforts of Ben Edmonds and MWRC to improve and maintain the facility. As you would expect with an old building, there have been a number of

electrical and water issues. Ben has ensured these have been attended to promptly. Over the year the internet has been made active, new signage has been affixed, the kitchen has been made operational, new blinds have been fitted in some parts of the main building and new air conditioning units have been installed. This all contributes to making the facility more user-friendly and increases its appeal to hirers.

Arrangements for roof repairs, painting the exterior of the building and for repairing the covering over the rear courtyard have been made.

In regards to the maintenance of the grounds, at present most of the mowing is done by a MAC volunteer. MWRC Parks and Gardens worked hard to make the gardens and lawns presentable for the Grand Opening and more recently cleared vegetation from the front of the site in preparation for landscaping once the construction of the Country Universities Centre (CUC) is complete.

MAC continues to engage the services of Clean Break Cleaning Services to clean the communal areas in A Block on a weekly basis during school terms.

#### Future Planning

Outdoor access to bathroom facilities remains a priority.

The proximity of the CUC building to the existing building may require modifications to some rooms in order to enhance air flow and natural light.

Ideally, MAC would like the rear entrance to the main building redeveloped, but we are aware of budgetary constraints.

#### Hire Income

As well as the five Partner Organisations and the eight regular hirers, over the year there have been a few casual hirers, meaning that rental income is steady. With the recent launch of the Kildallon Education Centre website with its on-line booking system, <https://kildallon.com.au/>, MAC is hoping to attract more hirers.

Mudgee Arts Council looks forward to a continued partnership with Mid-Western Regional Council in the further development of Kildallon Education Centre.

Heather Rushton  
Mudgee Arts Council President

## 11.3 Gulgong Natural History Museum Location

REPORT BY THE DIRECTOR COMMUNITY  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300410, P1114611

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Community on the Gulgong Natural History Museum Location;**
2. **note the additional possible locations suggested by the local community;**
3. **endorse the Red Hill precinct as the location for the Gulgong Natural History Museum; and**
4. **request that further information be provided to Council on the design of the Museum, the Museum collection and the future operation of the Museum as a visitor destination.**

---

### Executive summary

At the August Council meeting, results of the community survey about the Gulgong Natural History Museum were presented to Council. While the survey indicated strong community support for the Museum, there was a proportion of the respondents who had concerns about the Museum being located at Red Hill. Council resolved to conduct further community consultation in response to this feedback and carry out further investigation into alternative sites. This report seeks to inform Council of the outcome of this further community consultation.

### Disclosure of Interest

Nil

### Detailed report

The Council resolution passed at the August meeting requested further community consultation into possible alternate sites where the Gulgong Natural History Museum could be located. An online survey was developed for this task and promoted through the Council website and social media. In asking for alternate sites, some criteria were provided to respondents stating that the site should be close to the CBD, should have a minimum size of 2,000m<sup>2</sup> and be Council owned or managed. This is also in line with the requirements of the funding body that the agreement is for a new building that is close enough to the CBD to allow for the economic benefit of the new destination to flow through to other businesses in Gulgong.

The survey was not an exercise in determining which site was the most popular and responders could offer as many suggestions as possible in the one survey or across multiple surveys. There were 277 responses to the online survey and 18 potential sites in Gulgong were named. While not officially counted as part of this process, it was notable that approximately 60% of respondents still named Red Hill as the preferred location or stated that they did not recommend any alternate sites to Red Hill.



An analysis of the sites has been summarised across the criteria in the following table:

<b>Suggested site</b>	<b>Council owned or Managed</b>	<b>Close to CBD</b>	<b>More than 2000m2</b>
Red Hill	Yes	Yes	Yes
Old Flour Mill	No	Yes	Yes
Block near the cemetery	Yes	No	Yes
Gulgong Memorial Hall	Yes	Yes	Yes
Apex Park	Yes	Yes	No
Old Fire Station	Yes	Yes	No
People's Park	Yes	No	Yes
Gulgong Railway Station	No	No	No
Near the Pool/Billy Dunn Oval	Yes	Yes	Yes
Car parking area across from the timber yard	Yes	Yes	No
Flirtation Hill	Yes	No	Yes
Grass area between Gulgong Bowling Club and Bulga Street	No	Yes	No
Gulgong Showground	No	No	Yes
JH Stahl Park	Yes	Yes	No
Block on Robinson Street	No	Yes	No
Old Gulgong Depot (between White Street and Collins Lane)	Yes	Yes	Yes
Land south of Hollingsworth estate	No	No	Yes
Anzac Park	Yes	Yes	Yes

Only five of the sites nominated met all three of the criteria – Gulgong Memorial Hall, Anzac Park; Billy Dunn Oval (between the Pool and the Grandstand facing Nandoura Street); the Old Gulgong Depot site at Red Hill (between White Street and Collins Lane); and the Red Hill precinct itself.

Given the funding agreements already in place, further time taken to negotiate the purchase of a site not owned or managed by Council would add significant time delays to the project that would not allow the requirements of the funding agreement to be met. The funding also does not provide for the purchase of a site. Therefore the following sites have not been considered:

- Old Flour Mill (privately owned)
- Gulgong Railway Station
- Grass area between Gulgong Bowling Club and Bulga Street (privately owned and road reserve)
- Gulgong Showground (Crown land not managed by Council)
- Residential block on Robinson Street (privately owned)
- Land south of Hollingsworth estate (privately owned except for a small area of land that is a drainage reserve owned by Council)

For those sites that met two of the three criteria, a short summary follows:

**Block near the cemetery**

This site has been allocated as a reserve for future cemetery expansion but also has some challenges as its current status is that it is vacant Crown land directly managed by Crown Lands (not Council). There is also an Aboriginal Land Claim over this site.

### **Apex Park**

At 1644m<sup>2</sup>, Apex Park is smaller than required to deliver what is needed in terms of indoor space, outdoor space and car parking availability. It is also an area that is regularly used by families for recreation with the playground and amenities block. This suggestion has some merit given its central location, however, any new building would need to be designed for a space surrounded by locally listed heritage buildings.

### **Old Fire Station**

The Old Fire Station block is small (505m<sup>2</sup>) and Crown Lands have recently confirmed that any proposed extension to this building needs to be confined to this block and cannot incorporate the car park block next to it (the purpose of this crown land is restricted to parking). Given that the Museum must incorporate a new building, the Old Fire Station is not a viable option.

### **People's Park**

As a potential site, People's Park has many benefits, especially given the amount of available space. However, it is a long way from the CBD and is in more of a residential area. Given the expectations of the funding body around the proximity to other local businesses, it is unlikely that approval would be given for a change in site to People's Park. It is also worth noting that People's Park was an option in the previous survey and was not a popular choice, particularly in comparison to Red Hill.

### **Car parking area across from the timber yard**

While a reasonably central location, this 651m<sup>2</sup> block on the corner of White and Queen Streets is too small to be considered.

### **Flirtation Hill**

While there is enough available space at Flirtation Hill, the site is too far from the CBD to meet requirements. It also houses significant amounts of water infrastructure which could potentially impact on the design of the building and the construction process.

### **JH Stahl Park**

This is a small park situated between Nandoura and Belmore Streets and across the road from the Gulgong Public School. At 932m<sup>2</sup> it is too small for consideration. It is also arguable whether this would be seen as close to the CBD as it is more residential in nature. Any design on the site would face some challenges with parking requirements given the nearby location of the two schools.

The remaining sites met all of the criteria and a response on each of these is provided below:

### **Gulgong Memorial Hall**

While technically possible on this site, it would require a demolition of the existing Memorial Hall to create the Museum space. The funding requirements are for a new building construction so even a re-purposing of the existing building may not get approval from the funding body. Added to this is the role that the Gulgong Memorial Hall plays in the social fabric of the community for events and programs. It is not expected that this would be a popular choice in the local Gulgong community.

### **Anzac Park**

While technically possible on the site, there are a number of matters to be considered here, especially given the location of the iconic rotunda and the role that Anzac Park has played in commemorations for the nation's service personnel. The central location in the park of the rotunda would make any design difficult to achieve. Again, it is not expected that this would be a popular choice with the local community.

### **Billy Dunn Oval**

There is a usable area of approximately 2000m<sup>2</sup> between the swimming pool and the grandstand facing Nandoura Street that could potentially be set aside for the construction of a museum.

However, it is arguable whether this is close enough to the CBD to have an economic benefit to other local businesses. Importantly, it is also not considered technically possible for a museum to be on this site as the core objectives for this crown land is categorised as a sportsground. If this site was explored further, it would likely take some time for negotiations with Crown Lands to take place and there would be a risk that the answer would still be that it is not possible for the Museum to be sited at this location.

### **Old Gulgong Depot**

The site between White Crescent and Collins Lane does have some potential. While situated on Red Hill, it is a separate Crown Reserve to the Red Hill reserve and is not part of the Plan of Management that was originally developed for that site. Therefore, there is a chance that it may face less opposition from those in the community concerned about the Red Hill site. At 4,047m<sup>2</sup> the block is nominally large enough to accommodate the Museum, it is centrally located and has been disturbed through the use of the site as a Council depot for parts of the 20<sup>th</sup> Century. However, there are limitations and concerns with this site. The existing mine opening on the site is fenced off and takes up a good portion of the block. Recent action has been taken to increase the area that is fenced off due to some minor subsidence in the area of the mine entrance. Anecdotally, this block has suffered from incidents of subsidence over the years, and this would potentially cause some challenges for design and construction.

### **Red Hill**

The Red Hill site is close to the CBD; is Council managed Crown Land; and has significant space to create a museum with adequate indoor and outdoor areas. The concept design for the site allowed for some construction on the lower slopes of Red Hill with the accompanying outdoor areas to be to the south on relatively flat land. Looked at from the perspective of which site presents the best opportunity for a successful Museum, no other suggested site has been able to demonstrate better suitability than Red Hill.

However, it is not only the location that makes Red Hill a good choice for the Gulgong Natural History Museum. Red Hill is certainly central to the story of Gulgong, a story that considers gold exploration at its heart. The Museum represents an opportunity to tie together the discovery of gold with an understanding of the natural history of the world and the region. Where other Museums in Gulgong have been successful in focusing on the social history of the region, the Natural History Museum would take a different approach in understanding the natural world, rather than the world of the 19<sup>th</sup> century. It is also an opportunity to develop more of an understanding of the world that existed in the region before colonisation and gold discovery. Just as Red Hill may be the birthplace for gold discovery and the development of the town, it is also the ideal place to tell the story of the world and of the Gulgong area before gold discovery with consideration of First Nations history.

It is clear that there will be differing opinions on this matter and that this will continue into the future. As stated in the previous Council report to the August meeting, the concerns over the use of Red Hill have been presented to Council through the Red Hill Committee and this information has been weighed up as part of this report and its recommendations. The issues are understood and will form part of considerations to mitigate impact on existing interpretation at the Red Hill site. The project will need to go through an independent process for Development Approval, most likely through a Regional Planning Panel, and heritage and conservation considerations will need to be carefully considered.

Further work is required to plan out the collection strategy for the Museum and to ensure that materials are displayed professionally and with scientific accuracy. This will occur over the coming months with the intention of delivering a visitor destination of which the whole community can be proud.

Despite a number of Gulgong residents raising concerns, there does appear to be a sizeable majority of local people who are supportive of the Museum and the intention to develop this

Museum at Red Hill. Red Hill incorporates a large area, and it is believed that the design process for the building and the area as a whole can accommodate the development of a new building and exhibition space as well as maintaining the integrity of the Gulgong history that has been interpreted on the site.

It is the belief of staff that the construction of the Gulgong Natural History Museum can be delivered in a way that sympathetically considers the impact on the Red Hill site and the Gulgong Conservation Zone. The Gulgong Conservation Zone covers a great deal of the township of Gulgong. There are four items that are listed on the State Heritage register. None of these four is close to Red Hill, the closest being the current site of the Gulgong Holtermann Museum. There are 171 locally listed heritage buildings and items in Gulgong. This includes Red Hill House and the old Red Hill school building. The Museum would be at least 30 metres from the cottage and over 120 metres from the school buildings. It would be at least 50 metres from the poppet head. Much of the space required for the Museum area would actually be located on the separate fenced lot to the south of the main Red Hill lot.

The Plan of Management for Red Hill calls for consideration to be given for existing relics and artifacts on the site. This construction of the Gulgong Natural History Museum on the lower sections of the Red Hill site can be achieved without impact on the locally listed heritage locations and without impact on the existing interpretations and items on the site such as the Red Hill cottage and the poppet head.

Concerns regarding the number of Museums in Gulgong or the impact on existing volunteers appear to be unfounded. While the newer Museums in Gulgong (the Gulgong Gold Experience and the Gulgong Holtermann Museum) have continued the exploration of the social history of Gulgong through the gold exploration days, the Natural History Museum will have a different focus on the natural world. It is also not expected that volunteers will be a part of the operational plan for the Museum.

Other concerns surrounding the Museum are not related to the location specifically and will need to be addressed in the coming months through information related to the Museum design, the Museum collection and the ongoing operation of the Museum.

Should Council wish to continue with the proposed Gulgong Natural History Museum, it is recommended that Council continue with the planning for this project at Red Hill and that the necessary levels of funding and professional staffing are provided to ensure the success of the Museum.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

## Strategic implications

### **Council Strategies**

Community Plan  
Cultural Plan

### **Council Policies**

Not Applicable

**Legislation**

Not Applicable

Financial implications

At this stage, Council has approved a budget of \$4 million for the Gulgong Natural History Museum project, with \$3 million coming from the NSW Government's Regional Tourism Activation Fund and \$1 million from Council. This report does not seek additional funds at this time. However, this is expected as further planning is undertaken on the project.

Associated Risks

A full business case is being developed for this project as per the required Capital Expenditure Review. As part of this process, risks would be considered as for any sizeable construction project.

It is likely that the concerns raised by some members of the community over the Red Hill site will continue and the project will face some opposition through the Development Application process.

SIMON JONES  
DIRECTOR COMMUNITY

4 September 2023

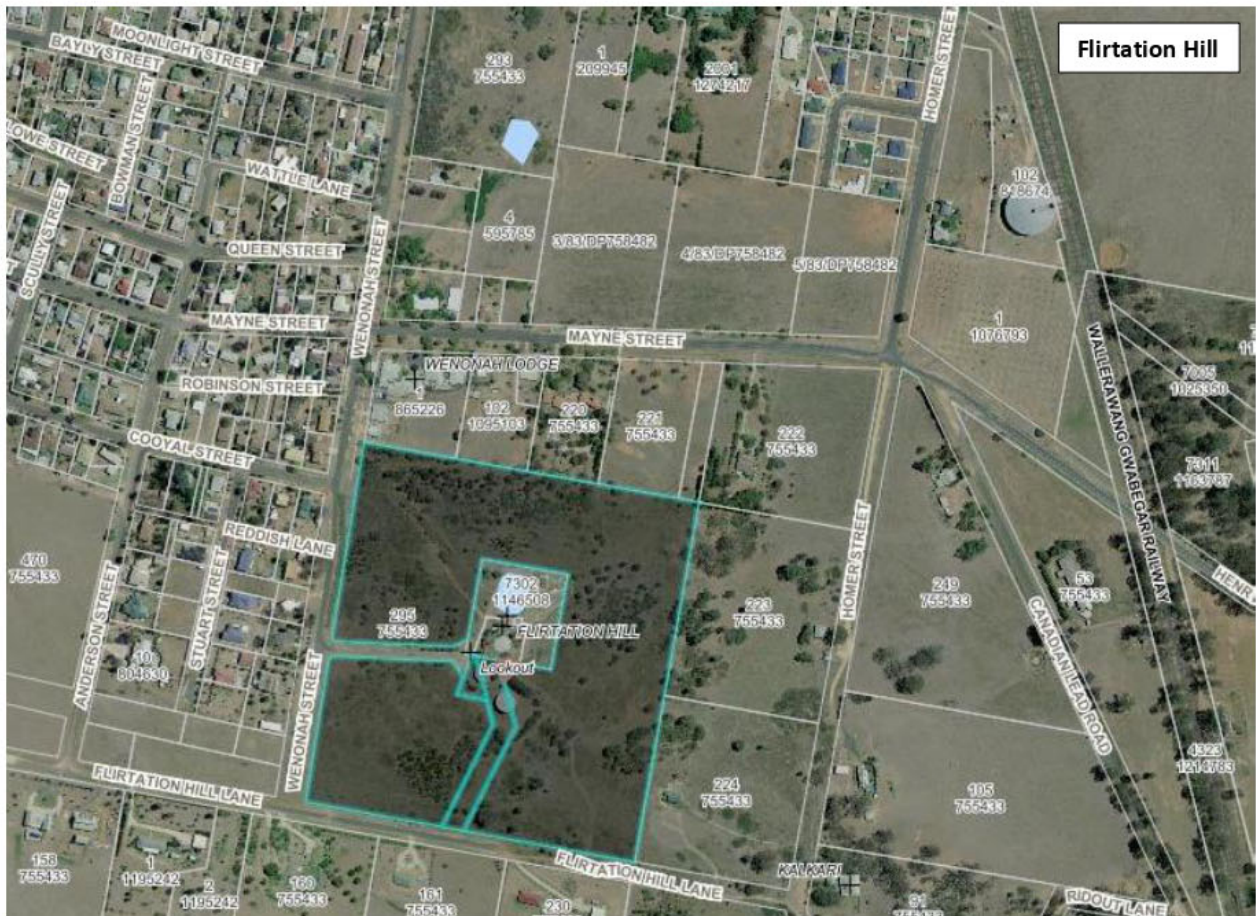
*Attachments:* 1. Gulgong Natural History Museum sites.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER









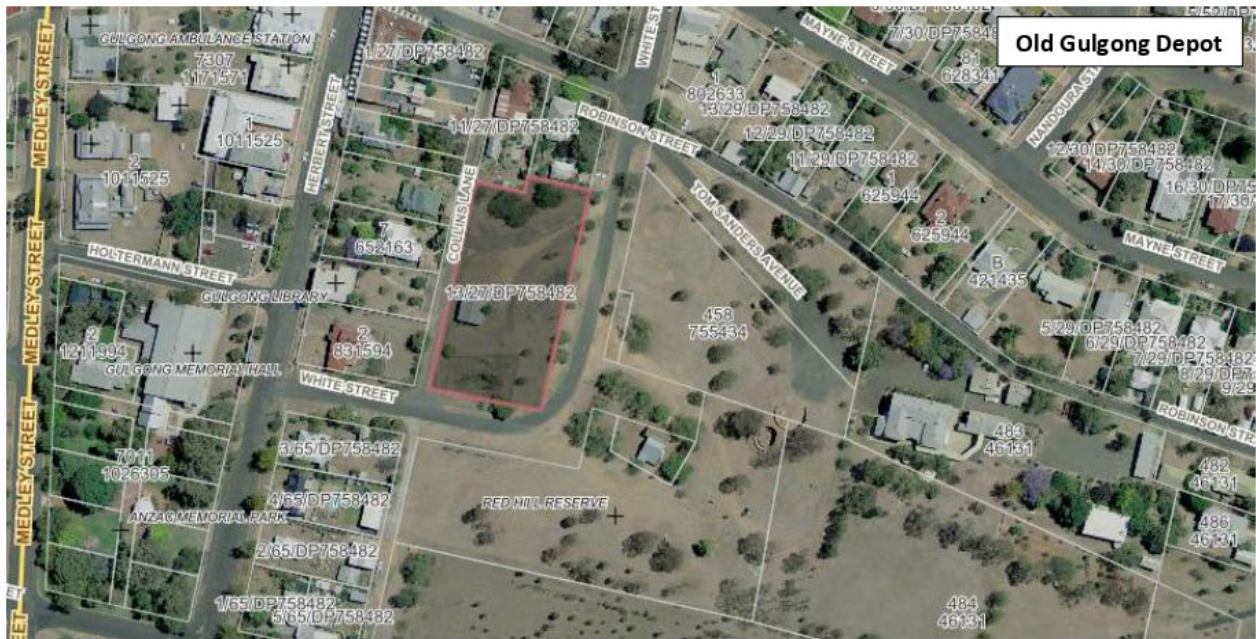


JH Stahl Park



Gulgong Memorial Hall





Old Gulgong Depot



Red Hill

## 11.4 Policy Review - Public Interest Disclosures

REPORT BY THE GOVERNANCE CO-ORDINATOR  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, GOV400047

### RECOMMENDATION

#### That Council:

1. **receive the report by the Governance Co-ordinator on the Policy Review - Public Interest Disclosures; and**
  2. **adopt the revised Public Interest Disclosures Policy.**
- 

### Executive summary

The Public Interest Disclosures Policy has been reviewed in preparation for and in accordance with the *Public Interest Disclosures Act 2022* (PID Act) which will come into effect on 1 October 2023 and will repeal the *Public Interest Disclosures Act 1994*.

### Disclosure of Interest

Nil

### Detailed report

The PID Act 2022 introduces significant reforms to the ways that public interest disclosures are made, received and dealt with in New South Wales and is intended to provide greater protection to people who make public interest disclosures and more pathways to report serious wrongdoing.

The new PID Act fosters a strong 'speak up' culture and provides a framework that facilitates public interest reporting of wrong doing by:

- protecting those who speak up from detrimental action
- maintaining the confidentiality of reports
- imposing duties on Council to take appropriate action to investigate and deal with reports of wrongdoing

The most significant changes of the new PID Act include:

- The requirement that each permanently maintained site at which more than one person is employed must have a Disclosure Officer
- The additional responsibility for Managers, Supervisors and anyone who has staff reporting to them either directly or indirectly to take a public interest disclosure and communicate it as soon as practicable to a disclosure officer.
- The threshold on what is considered detrimental action has been lowered to provide greater protection for people who choose to speak up.

The NSW Ombudsman have provided a model policy which has been used as the template to develop Council's policy. Mandatory information that must be included in Council's PID policy are Council's procedures for:

- acknowledging receipt of voluntary PIDs
- providing information to the makers of voluntary PIDs
- dealing with disclosures that are or may be voluntary PIDs
- assessing and minimising the risk of detrimental action
- dealing with allegations that a detrimental action offence has been committed by or against a public official associated with Council
- maintaining confidentiality in relation to PIDs
- protecting the identity of makers of PIDs
- taking appropriate corrective action in response to findings of serious wrongdoing or other misconduct that arise
- record keeping and how information is stored
- reporting to the NSW Ombudsman
- compliance with the PID act

Training will be provided to all staff on the new PID Act, with additional training provided for Managers, Supervisors and Disclosure Officers. Refresher training will be provided every 3 years in line with the legislative requirements.

S43(4) of the PID Act requires Council's policy to be accompanied by a list of identifying Disclosure Officers for Council along with information enabling them to be contacted. Disclosure Officers responsible for receiving public interest disclosures on behalf of Council will continue to be the General Manager, the Executive Team and the Governance Coordinator. Additional staff have been listed as Disclosure Officers in order to cover all of Council's permanently maintained sites which have more than one employee in accordance with the legislation. It should be noted that these staff have not yet been approached to be Disclosure Officers and may be subject to change. Proposed Disclosure Officers are listed in Annexure A.

## Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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## Strategic implications

### Council Strategies

Not applicable

### Council Policies

Code of Conduct

Fraud and Corruption Policy

Complaints Policy

Legislative Compliance Policy

Access to Information Policy

Privacy Management Plan

### Legislation

Public Interest Disclosures Act 2022

## Financial implications

Failure to report serious wrongdoing can result in the continuation of corrupt conduct and the serious and substantial waste of public money. Other serious wrongdoing may result in penalties to Council for breach of legislation. Financial penalties can be imposed on Council for the failure to protect PID reporters from detrimental action.

## Associated Risks

Failure to encourage a speak up culture can result in staff not reporting serious wrongdoing and therefore the wrongdoing continues to occur. This can result in a range of risks to Council.

ASHLEIGH MARSHALL  
GOVERNANCE CO-ORDINATOR

SIMON JONES  
DIRECTOR COMMUNITY

5 September 2023

*Attachments:* 1. Draft Public Interest Disclosures Policy.  
2. Annexure A.  
3. Annexure B.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER



## Public Interest Disclosures Policy



<b>ADOPTED</b>		VERSION NO	<b>4.0</b>
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	<b>SEPTEMBER 2027</b>
DATE:	[INSERT DATE]	FILE NUMBER	<b>GOV400047</b>

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## Objective

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the Public Interest Disclosures Act 2022 (PID Act).

This policy sets out:

- how Council will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised in accordance with the Grievance and Dispute Procedure. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to their supervisor or an officer from the People & Performance department to be dealt with in accordance with the procedure.

## Organisational Commitment

At Mid-Western Regional Council we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

## Legislative requirements

Public Interest Disclosures Act 2022

## Related policies and plans

- Code of Conduct
- Fraud and Corruption Control Policy
- Complaints Policy

POLICY: PUBLIC INTEREST DISCLOSURES POLICY | V 4.0 , 20 SEPTEMBER 2023

- Legislative Compliance Policy
- Access to Information Policy
- Privacy Management Plan

## Who does this policy apply to?

Everyone within Council has a responsibility to speak up and act in the public interest by doing so. This includes:

- Council staff and Councillors
- Contractors, subcontractors and employees of contractors providing services or exercising functions on behalf of Council
- Volunteers providing services or exercising functions on behalf of Council
- Any other NSW public officials including other Councils

If you are not a public official as listed above, complaints can be made under Council's Complaints Policy which can be found on Council's website.

*Please note: there may be some circumstances where a complaint can be deemed to be a voluntary PID. This is outlined in this policy.*

## Making a Public Interest Disclosure

### What is a PID?

When a report of suspected or possible wrongdoing within Council is made it will be classified as a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, it will be considered whether it is a PID. If it is a PID, it will be dealt with as set out in this policy as well as Council's internal Grievance and Dispute procedure.

There are three types of PIDs in the PID Act. These are:

- **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
- **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs.

### How to make a PID

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

- A report is made by a public official
- It is made to a person who can receive a voluntary PID
- The person making the report *honestly and reasonably* believes that the information they are providing shows (or tends to show) serious wrong doing
- The report is made orally or in writing
- The report is made voluntarily (meaning it is not mandatory or a witness PID)

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If you make an error and it is not identified that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report.

You can make a voluntary PID:

- in writing — this could be an email or letter to a person who can receive voluntary PIDs.
- orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the ‘deeming power’.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager to request that they consider deeming your report to be a voluntary PID.

**POLICY: PUBLIC INTEREST DISCLOSURES POLICY | V 4.0 , 20 SEPTEMBER 2023**

### What to include in a report

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

### What is serious wrong doing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as Council systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- *a privacy contravention* — such as unlawfully accessing a person’s personal information on a Council database
- *a serious and substantial waste of public money* — such as Council not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

### Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

#### WITHIN COUNCIL

You can make a report inside Council to:

- The General Manager
- A disclosure officer for Council — a list of disclosure officers and their contact details can be found at Annexure A of this policy

- A manager or supervisor — Your manager or supervisor will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.
- The Mayor – Where a report is about the General Manager

#### OUTSIDE COUNCIL

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of Mid-Western Regional Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

#### A MEMBER OF PARLIAMENT OR A JOURNALIST

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council
  - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:
    - notice of Council's decision to investigate the serious wrongdoing
    - a description of the results of an investigation into the serious wrongdoing
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

The investigation period is after six months from the previous disclosure being made or after 12 months if you applied for an internal review of Council's decision within 6 months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

## Protections

When you make a voluntary PID you receive special protections under the PID Act.

Council is committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

### Protections for makers of a voluntary PID

#### PROTECTION FROM DETRIMENTAL ACTION

- A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
- Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Mid-Western Regional Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

#### IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

#### CONFIDENTIALITY

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

#### PROTECTION FROM LIABILITY FOR OWN PAST CONDUCT

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

## Protections for makers mandatory and witness PIDs

### DETRIMENTAL ACTION

It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.

### RIGHT TO COMPENSATION

A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.

### ABILITY TO SEEK INJUNCTION

An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.

### IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY

Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:

- breaching a duty of secrecy or confidentiality, or
- breaching another restriction on disclosure.

## Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to a disclosure officer, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

## General support

A key contact person will be allocated to a person who makes a voluntary PID. This person will take steps to protect the interests of the person.

Wellbeing support is also available through Council's Employee Assistance Program.

## Roles and responsibilities of Council employees

Certain people within Council have responsibilities under the PID Act.

### The General Manager

The General Manager is responsible for:

- fostering a workplace culture where reporting is encouraged

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- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring that Council complies with this policy and the PID Act
- ensuring that Council has appropriate systems for:
  - overseeing internal compliance with the PID Act
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
  - implementing corrective action if serious wrongdoing is found to have occurred
  - complying with reporting obligations regarding allegations or findings of detrimental action
  - complying with yearly reporting obligations to the NSW Ombudsman.

#### Disclosures Coordinator

- receiving reports from public officials
- receiving reports when they are passed on to them by managers and supervisors
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.
- Assessing the risk of detrimental action related to or likely to arise out of a PID and developing strategies to manage any risk identified
- Keeping the General Manager (or Mayor) informed
- Providing advice and support do Disclosure Officers and the General Manager when dealing with PIDs
- Providing sufficient training to staff and people with additional PID responsibilities
- Refer evidence of detrimental action to the Commissioner of Police and ICAC
- Complying with yearly reporting obligations to the NSW Ombudsman

#### Disclosure Officers

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers and supervisors
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.



## Mayor

The Mayor is responsible for:

- receiving reports from public officials about the General Manager
- receiving reports about the General Manager when they are passed on to them by managers or supervisors
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.

## Managers and Supervisors

The responsibilities of managers and supervisors include:

- receiving reports from public officials
- passing on reports they receive to a disclosure officer

## All Employees

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

## How Council will deal with Voluntary PIDs

### How Council will acknowledge a report and keep the person who made it informed

When a disclosure officer receives a report, which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- An acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how Council deals with the report
  - provide clear information on how you can access this PID policy
  - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:

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- that we are investigating the serious wrongdoing
- that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
- If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
  - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

### Determining whether it is a voluntary PID

Once a report that may be a voluntary PID is received Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

### Report is not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Council's Grievance and Dispute Procedure or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

### Report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will investigate to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

### Protecting the confidentiality of the maker of a voluntary PID

People who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal

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- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- advising the maker of the PID about how to best protect their own identity such as not discussing the matter. If they have disclosed the matter to other staff they should advise the names of staff they have spoken with
- limiting the number of people who are aware of the maker's identity or information that could identify them and will ensure that any person who does know the identity of the maker of the PID is reminded that they have a legal obligation to keep their identity confidential
- if we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the PID maker without consent
- an assessment will be undertaken to determine whether anyone is aware of the PID makers identity and any motive to cause detrimental action against the maker of the PID
- any documentation relating to the PID including emails and file notes will be stored in a secure folder

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- advise the person whose identity may become known and provide additional supports
- reminding people who become aware of identifying information of the consequences for failing to maintain confidentiality and engaging in detrimental action
- updating Council's risk assessment and risk management plan

#### Assessing and minimising the risk of detrimental action

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Detrimental action may include:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment

- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- undertaking a risk assessment and creating a risk management plan which will be reassessed throughout the matter
- discussing protection options with the PID maker which may include remote working or approved leave during the investigation

If Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

#### Where serious wrong doing is found

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

The findings of an investigation will be communicated with Council's Executive Team and any relevant Managers who are required to know in order to implement corrective actions. It may be the Manager or Coordinator who will be responsible for ensuring corrective actions take place.

The maker of the PID will be notified of the proposed or recommended corrective actions in line with Council's Privacy Management Plan.

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## Rights to review and dispute resolution

### INTERNAL REVIEW

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- that Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Council decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application. This may include:

- additional documents that support the PID that have not been previously provided
- additional information such as witnesses that can support the claims

### VOLUNTARY DISPUTE RESOLUTION

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

## Other Council obligations

### Record-keeping

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*.

Information will be stored in Council's electronic record keeping system. Secure access levels will be applied to the file and will be limited to the disclosure officer and anyone else who may be assisting in the investigation of the matter.

### Reporting of voluntary PIDs and Council's annual return to the Ombudsman

Each year Council provide an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)

- action taken by Council to deal with voluntary PIDs during the return period
- how Council promoted a culture in the workplace where PIDs are encouraged.

Statistics will be entered into an internal register by disclosure officers for the purpose of collating the information required for the annual return. The register will be stored in Council's electronic management system with secure access levels applied, limiting access to disclosure officers only.

The information recorded in the register will be used to determine the number of PID's received by Council, the number of public officials who have made a PID, the category the PID falls into and the number of PIDs that have been finalised. Information in the register will not identify the PID maker or provide any detail on the content of the PID.

The annual return will be prepared by the Disclosures Coordinator.

### Compliance

Compliance with the policy will be overseen by the Disclosures Coordinator. Ensuring that compliance with the policy is maintained will be undertaken in a number of ways.

### TRAINING

Training will be provided to all Council staff using resources provided by the NSW Ombudsman. Additional training will be provided to staff with specific responsibilities under the PID Act to ensure all staff know their obligations and responsibilities.

Relevant training will be provided to all new staff as part of the onboarding process.

Refresher training will be provided to all staff every three years.

### PROCEDURE

An internal procedure has been developed to be used and referred to alongside this policy. The procedure provides a step by step process for disclosure officers, managers, mandatory reporting officers and investigators to use and covers:

- Receiving a PID
- Assessing a report
- Determining how to investigate the alleged wrongdoing
- How to undertake an investigation internally
- Referring an investigation to be undertaken externally
- Communication
- Record keeping
- Final report

### AUDITING

Council's Disclosures Coordinator will oversee and review any received Public Interest Disclosures to ensure compliance with the legislation.

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In future, Public Interest Disclosures may be looked at as part of Council's internal audit function.

Any non-compliance with Council's PID policy will be assessed and disciplinary action may be taken in accordance with the Local Government Award or where necessary, referred to the NSW Ombudsman.



## Annexure A – Names and contact details of disclosure officers for Mid-Western Regional Council

### General Manager

Brad Cam  
Phone: 02 6378 2820  
Mobile: 0427 431 578  
Email: brad.cam@midwestern.nsw.gov.au

### Mayor

Des Kennedy  
Phone: 02 6378 2850  
Email: councillor.kennedy@midwestern.nsw.gov.au

### Disclosures Coordinator

Richard Cushway – Manager Customer Service and Governance  
Phone: 02 6378 2829  
Mobile: 0418 768 467  
Email: richard.cushway@midwestern.nsw.gov.au

### Disclosure Officers

#### MUDGEES ADMINISTRATION PRECINCT

- Simon Jones – Director, Community  
Phone: 02 6378 2859  
Mobile: 0407 947 104  
Email: simon.jones@midwestern.nsw.gov.au
- Alina Azar – Director, Development  
Phone: 02 6378 2885  
Mobile: 0412 203 180  
Email: alina.azar@midwestern.nsw.gov.au
- Leonie Van Oosterum - Director, Corporate Services  
Phone: 02 6378 2914  
Mobile: 0405 123 787  
Email: leonie.vanoosterum@midwestern.nsw.gov.au
- VACANT - Manager People and Performance
- Ashleigh Marshall – Governance Coordinator  
Phone: 02 6378 2989

Mobile: 0400 930 156  
Email: ashleigh.marshall@midwestern.nsw.gov.au

#### MUDGEE OPERATIONS DEPOT

- Julian Geddes – Director, Operations  
Phone: 02 6378 2810  
Mobile: 0499 514 188  
Email: julian.geddes@midwestern.nsw.gov.au

#### MUDGEE LIBRARY

- Rachel Gill – Manager, Library Services  
Phone: 02 6378 2739  
Email: rachel.gill@midwestern.nsw.gov.au

#### GULGONG AND RYLSTONE ADMINISTRATION OFFICE AND LIBRARY

- Jaime Adams – Customer Service Coordinator  
Phone: 02 6378 2874  
Email: jaime.adams@midwestern.nsw.gov.au

#### RYLSTONE COUNCIL DEPOT

- Peter Schmidt - Senior Works Engineer  
Phone: 02 6378 2910  
Mobile: 0429 276 346  
Email: peter.schmidt@midwestern.nsw.gov.au

#### MUDGEE WASTE FACILITY AND IRONED OUT

- Tiffany Girlich – Training Officer  
Phone: 0439 585 440  
Email: tiffany.girlich@midwestern.nsw.gov.au

#### MUDGEE POUND

- Nick Naoum – Compliance Coordinator  
Phone: 0457 452 924  
Email: nick.naoum@midwestern.nsw.gov.au

#### SWIMMING POOLS

- Mary Freestone – Pool Operations Coordinator  
Phone: 0429 817 589  
Email: mary.freestone@midwestern.nsw.gov.au

#### GLEN WILLOW

- Peter Raines – Manager, Recreation Services  
Phone: 02 6378 2881

Mobile: 0417 406 268

Email: peter.raines@midwestern.nsw.gov.au

#### CARAVAN PARKS

- Trent Robertson – Business Development Coordinator, Accommodation Services

Phone: 0455 727 059

Email: trent.robertson@midwestern.nsw.gov.au

#### MUDGEE WATER AND SEWER TREATMENT PLANT

- Anub Anair – Water and Sewer Process Coordinator

Phone: 0436 290 570

Email: anub.nair@midwestern.nsw.gov.au

#### MUDGEE AIRPORT

- Andy Banks – Business Development Coordinator

Phone: 02 6357 5007

Mobile: 0457 466 838

Email: andrew.banks@midwestern.nsw.gov.au

## Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oilc_executive@oilc.nsw.gov.au">oilc_executive@oilc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>

<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
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## 11.5 MRT Quarterly Report: April to June 2023

REPORT BY THE DIRECTOR COMMUNITY  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, F0770077

### RECOMMENDATION

**That Council receive the report by the Director Community on the MRT Quarterly Report: April to June 2023.**

### Executive summary

As per the funding and performance agreement entered into in July 2022 between Mudgee Regional Tourism (MRT) and Council, MRT is required to report quarterly to Council on their performance.

### Disclosure of Interest

Nil

### Detailed report

The MRT report for the fourth quarter of the 22/23 financial year has been delivered to Council in accordance with the funding and performance agreement. The report is attached for Council's consideration.

### Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Pursue efficiencies and ongoing business improvement
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### Strategic implications

#### Council Strategies

A key strategy in the Mid-Western Region Community Plan is to promote the Region as a great place to live, work, invest and visit. This strategy recognises the important role that tourism plays in building a strong local economy.

Council has a contract with MRT for the supply of tourism services within the Mid-Western Local Government Area. The term of this contract is for three years ending on 30 June 2025. Under this contract, MRT must provide quarterly reports to Council.

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

## Financial implications

This report is for information purposes only, as per Council's contractual arrangement with MRT. There are no additional financial implications.

## Associated Risks

This report is for information purposes only, as per Council's contractual arrangement with MRT.

SIMON JONES  
DIRECTOR COMMUNITY

21 August 2023

*Attachments:* 1. MWRC Quarterly Report Q4 2022-2023.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER



2022–23 MRT Quarterly Operational Report

April to June 2023

*prepared for*

MID-WESTERN REGIONAL COUNCIL



## **PURPOSE**

Mudgee Region Tourism (MRT) Acting CEO tables this quarterly operational report to the MRT Board.

## **BOARD + EXECUTIVE TEAM**

- Completed the Partnership drive for 2023/24
- Completed magazine sales for 2023/24
- Completed the brand refresh – roll out in August and September
- Launched the new What's On Website
- Distributed What's On DL flyer to every household in the Mid-Western Regional Council area
- Gulgong won Bronze for NSW Top Tourism Town – small town
- Rylstone listed as a finalist for NSW Top Tourism Town – tiny town
- Completed the Feel the Love marketing campaign with BLERF funding

## **GRANTS + FUNDING**

- **NSW Bushfire Local Economic Recovery Fund (BLERF) – Stage 2**  
28 January 2021 application made for \$495K Feel the Love in Mudgee Region Campaign  
30 June 2021 application successful  
Project completed
- **Australian Government Building Better Regions Fund (BBRF) – Round Five**  
12 March 2021 application made for \$20K Mudgee Region Industry Development Strategy  
13 October 2021 application successful  
Project completed
- **Australian Government Building Better Regions Fund (BBRF) – Round Five**  
12 March 2021 application made for \$20K Mudgee Region Wellness Sector Strategy  
13 October 2021 application successful  
Project completed

**TOURISM OPPORTUNITIES**

Identify potential tourism infrastructure or opportunities that would secure a stronger tourism economy. Work with Council on identifying new opportunities or gaps that would improve tourism offering on the region. Provide a quarterly report with findings. Include number of new tourism businesses opened and those closed in the region in the quarter.

New Tourism Business Open in Q4	Tourism Business Closed in Q4
3 x arts + recreational	7 x arts + recreational
6 x accommodation + food services	3 x accommodation + food services
10 x retail	9 x retail
<b>Total @ 19 businesses</b>	<b>Total @ 19 businesses</b>

\*Data to be provided by MWRC

Visitation Spend Q4	Total Spend	Visitor Spend	Visitor Spend %
April '23	\$71.3 million	\$26.4 million	37%
May '23	\$65.8 million	\$19.2 million	29%
June '23	\$67.0 million	\$21.1 million	31%

\*Data to be provided by MWRC (Spendmapp by Geografia)

Potential Tourism Infrastructure	Weakness or Gap	Opportunity
<b>Accommodation</b>	Limited commercial accommodation options and range or types of accommodation, especially outside of Mudgee township. High occupancy rates during peak periods is also a challenge for growing the visitor economy.	Encourage further investment in accommodation on vineyards or within wineries to enhance the range of small-scale and boutique accommodation on offer, reinforcing the more intimate setting of the region (Hero)
<b>Dinning</b>	Demand for hospitality can exceed availability and often leads to visitors or guests being disappointed. Encouraging pre-booking of hospitality, especially restaurants as well as seven-day week trading would help to alleviate this problem.	Encourage the development of more on-vineyard dining experiences. This could include investment in a significant new wine and food experience space or centre, which integrates the landscape, produce and culture of the Mudgee Region through high-quality design (Hero)
<b>Health + Wellness</b>	Increasing interest in health and well-being provides an opportunity to enhance and promote the wellness offering of the region, including accommodation, activities and packages that take advantage of the quality local produce and rural and nature-based settings of the region.	Develop and promote wellness tourism experiences, including encouraging investment in wellness retreats or centres. This should leverage the region's outstanding local produce, arts, music and creativity (Hero)  Council to support (where appropriate) initiatives to leverage the interest in leisure cycling, mountain biking, the existing mountain biking trail network and events (Supporting)
<b>Transport</b>	Transport within the Mudgee Region is largely perceived as a barrier to tourism, especially after hours and to support wine tourism and visitor disbursement to towns and villages	Increasing connectivity between the towns of the Mudgee Region would significantly enhance the appeal of attending live music, sporting events or art exhibitions etc. It would also enable visitors to plan an extended stay, especially for those who arrive by air
<b>Directional and welcome signage</b>	Poor signage including limited signage for Mudgee VIC	Investigate opportunities to improve signage for the region and Mudgee VIC

- MRT CEO, took part in the MWRC walking and cycling community engagement sessions
- MRT adopted their wellness strategy
- MRT, Mudgee Wine Association, MWRC and Business Mudgee meet quarterly to discuss events in the region. This meeting was held on 26 April '23.

## DESTINATION MARKETING

### MARKETING PLAN

#### Feel the Love – Reconnect | Rediscover | Reimagine

Feel the Love in the Mudgee Region (FTL) is a destination campaign not only designed to help the local tourism industry recover from the devastating 2019–20 bushfires, but to position the region as Australia’s most loved destination.

To do this, MRT are working with key partners to support the tourism operators in our region to shift the highly neutral sentiment of the region represented in media, online and review platforms to positive. We’re looking to build on this highly successful and award-winning campaign, maintaining our momentum as a forward-thinking destination + retaining the title of Australia’s most loved destination.

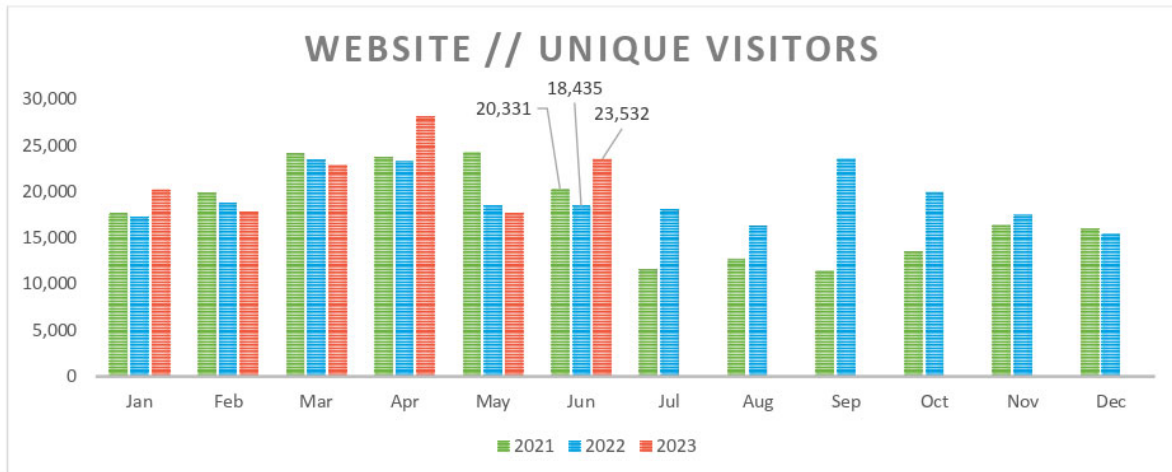
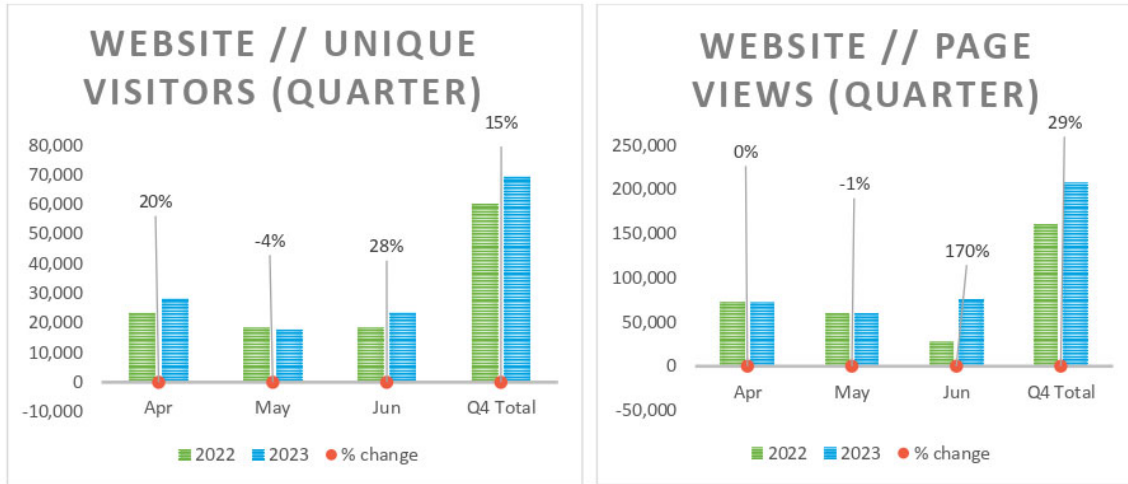
- **Feel the Love – Reconnect | Rediscover | Reimagine** strategy and execution plan [HERE](#)
- **For final outcomes go** [HERE](#)

### MARKETING CAMPAIGN RESULTS

#### Feel the Love – Reconnect | Rediscover | Reimagine outcomes and results to date

BLERF KPIs			
Goal	Objectives // KPIs (July '22 to June '23)	Baseline	Progress or action(s) taken as at end of March '23
1. Content Audit	Fill the gaps identified in the audit to deliver a well-rounded content library, reflective of all towns + experiences in the Mudgee Region.		We have captured over 1,000 images of the region captured and all shared on CrowdRiff. MRTs image sharing platform.
2. Destination Sentiment Index Reports	Increase the current DSS to 50+ by the end of the campaign term (currently 36 per overall sentiment score presented)		The DSI report is now complete and Mudgee Region from 17 Oct 2021 to 17 October 2022 scored 46. This was a strong outcome although not the hoped for 50.
3. Delivery industry development program	Secure 30+ attendees at each workshop		113 attendees across the three workshops.
4. Secure cooperative campaign partners	40 campaign packages secured	Baseline of 30 from previous campaigns	35 campaign packages
5. Increase destination website visitation	Average 20,000 visitors to the website per month		Last 3 months website visitation av. was 23,097 unique visitors per month

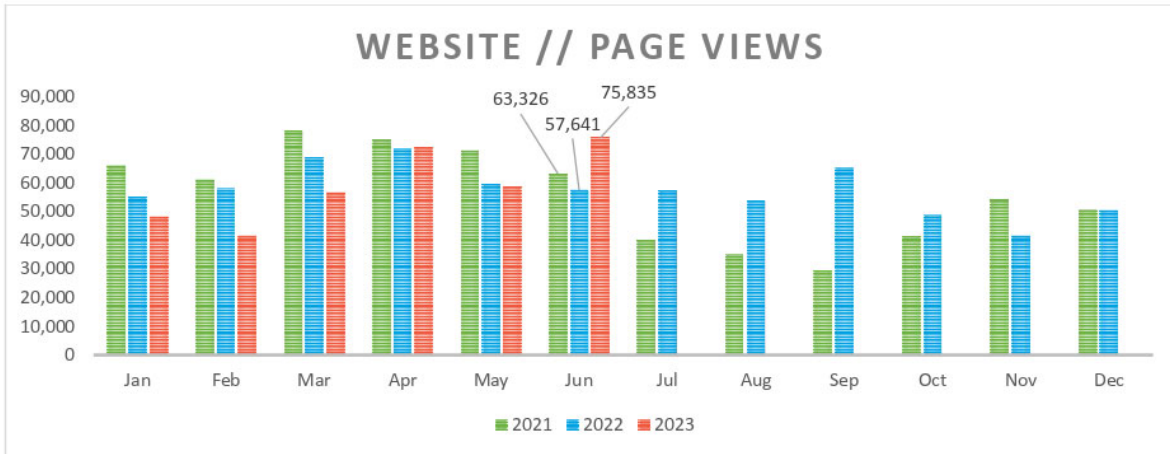
**WEBSITE + SOCIAL MEDIA DATA**



Website Unique Visitors	2021	2022	2023	Total
Total	211,313	230,652	130,194	572,159

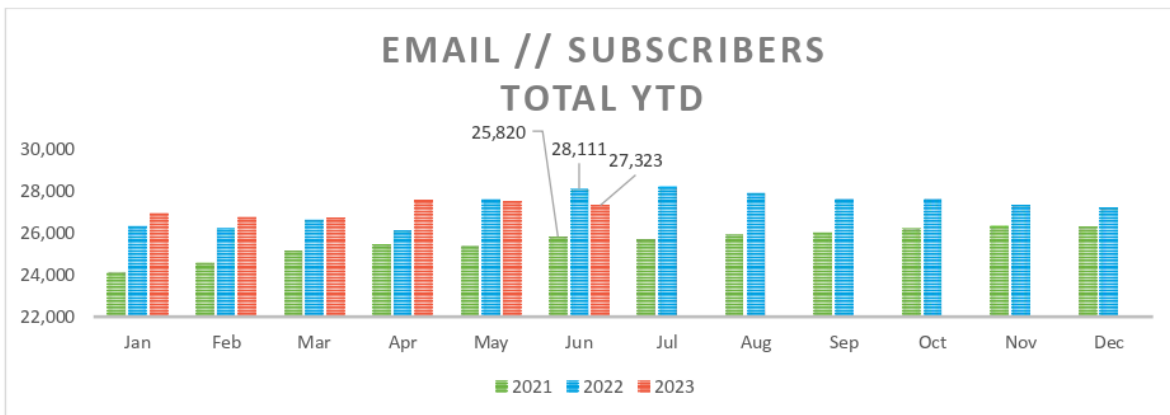
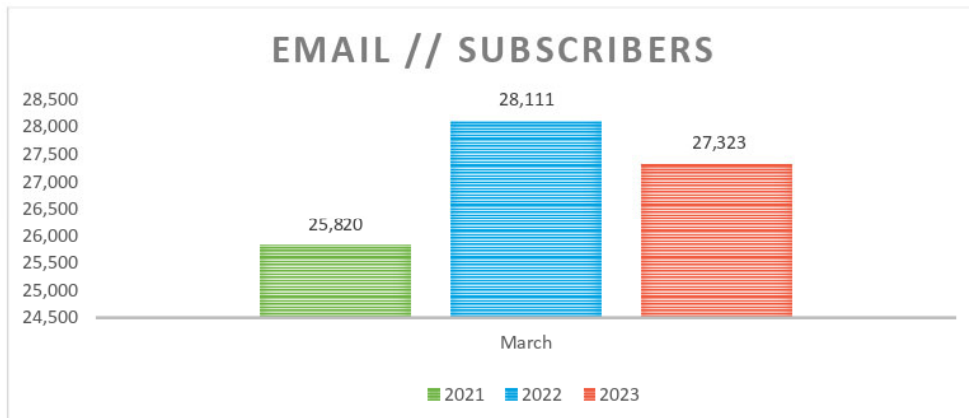
\* 2023 total to date @ June '23 (YTD)

\* Includes website traffic to the new What's On Mudgee Region event website from June '23

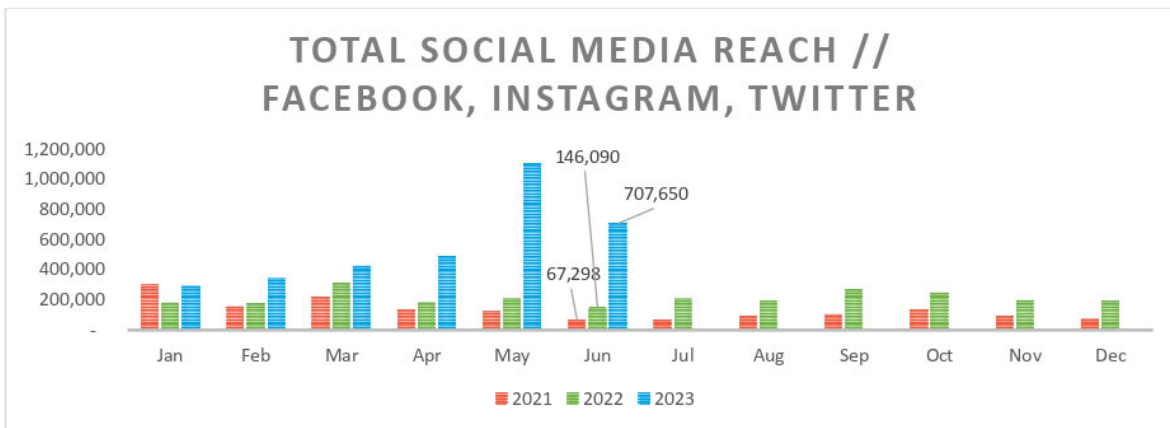
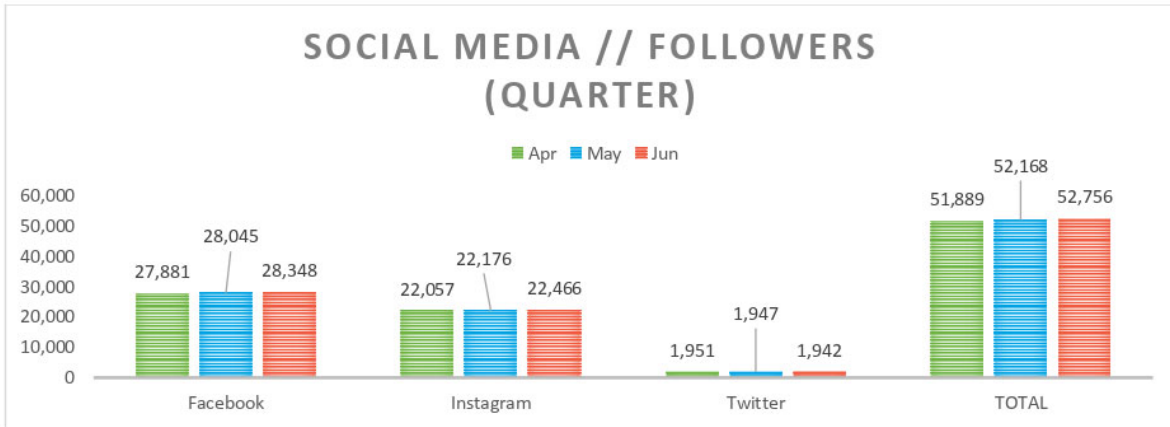


Website Page Views	2021	2022	2023	Total
Total	666,094	690,198	354,035	1,710,327

\* 2023 total to date @ June '23 (YTD)



Email Subscribers	2021	2022	2023
Accumulative totals	25,820	28,111	27,323

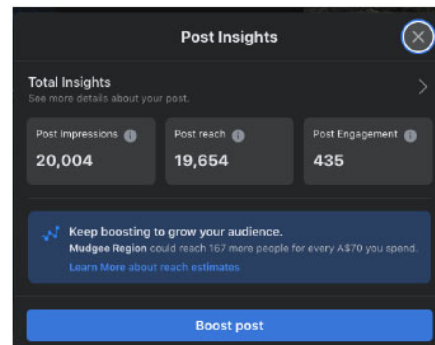
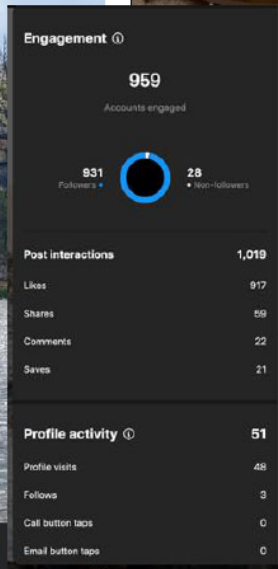
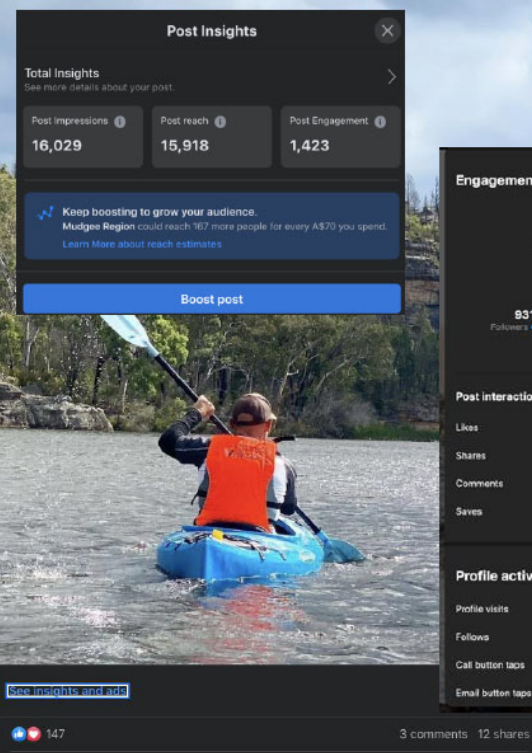
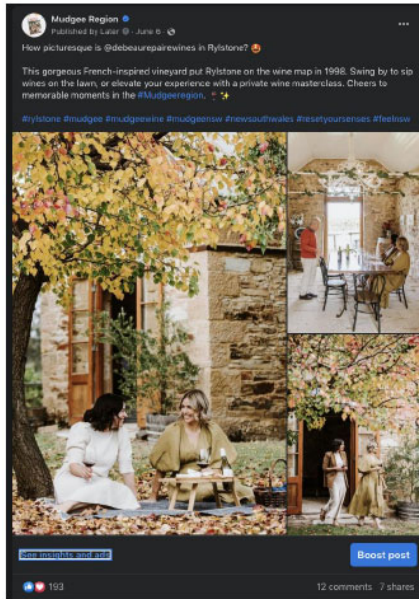


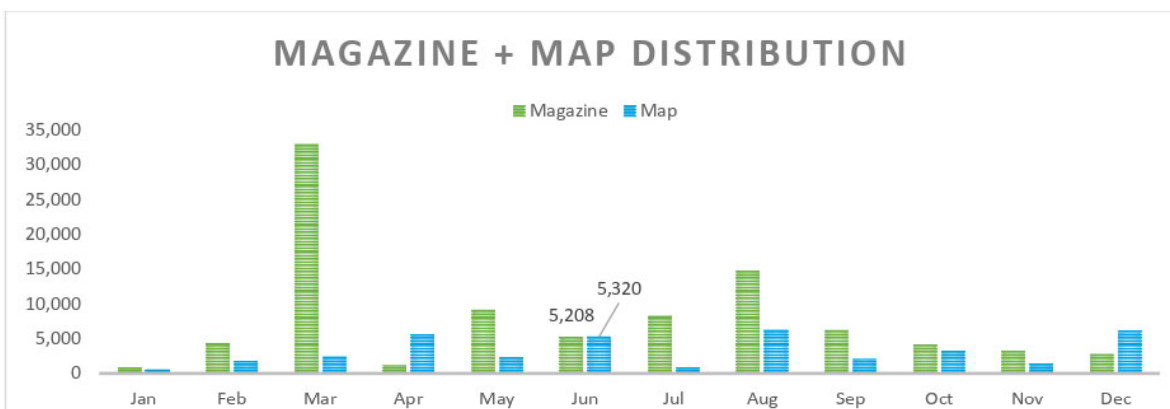
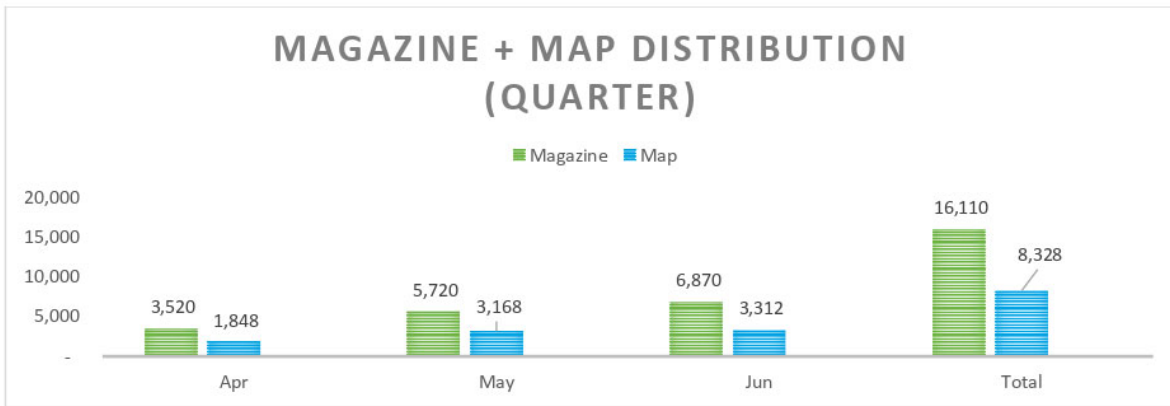
Social Media Reach	2021	2022	2023	Total
Total	1,569,333	2,527,840	3,371,520	7,468,693

\* 2023 total to date @ June '23 (YTD)

**POPULAR SOCIAL MEDIA POSTS**

The most high-performing FB + Instagram posts for the quarter





Mag + Map Distribution	2021	2022	2023
Magazine	48,395	93,118	53,510
Map	18,705	37,558	14,152

\* 2023 total to date @ June '23 (YTD)

- Unique website visitation was up 15% on Q4 previous year
- 4,439 external websites click-throughs for the quarter
- Top 3 referral sites:
  - April: visitnsw.com, escape.com.au, australiantraveller.com.au
  - May: visitnsw.com, escape.com.au, australiantraveller.com.au
  - June: Google, Facebook, Bing
- Top 3 landing pages:
  - April: Mudgee Region Homepage, What's On, Accommodation
  - May: Mudgee Region Homepage, Accommodation, What's On
  - June: Mudgee Region Homepage, Accommodation, What's On
- Email subscribers down 3% on Q4 last year
- Social Media followers was up 8% on Q4 last year
- Organic reach for Q4:
  - Facebook @ 1,358,063
  - Instagram @ 165,835
  - Twitter @ 1,286
- Most popular posts: The Drip @ 13 May (265,894), Gulgong @ 09 May (41,641), Platinum Partner Post (26,685)
- Magazine distribution was down 3% on Q4 last year. Map distribution was significantly up at 37% on Q4 last year.

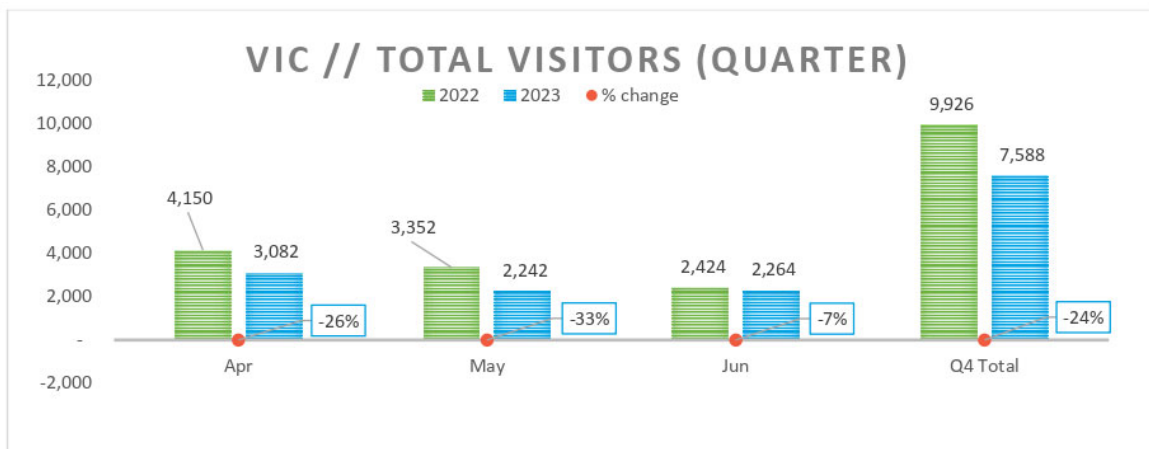
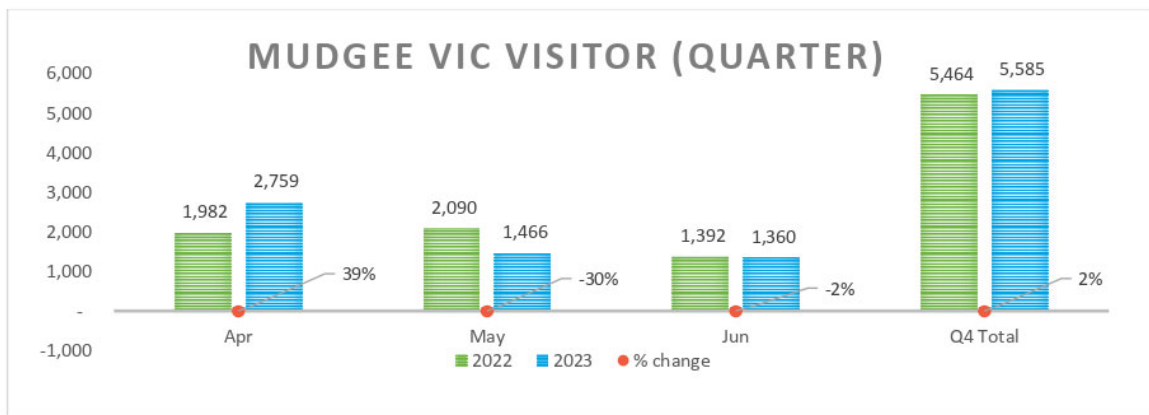
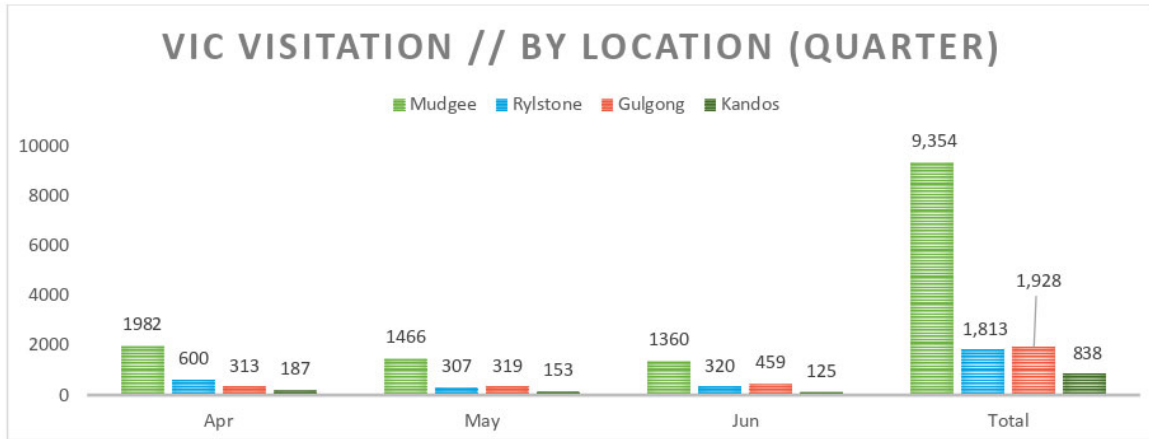


## **PUBLIC RELATIONS + MEDIA COVERAGE**

From January 2023 MRT is no longer recording traditional public relations media matrix data including EAV and PRV on the advice of Klick X, MRT's previous Public Relations Consultant and is focusing on digital marketing. The advice is that without significant dollar spend on traditional media the impact will be minimal and that big news stories will be followed and captured by the media.

Going forwards, MRT will include details of any media coverage and articles facilitated and paid for by MRT.

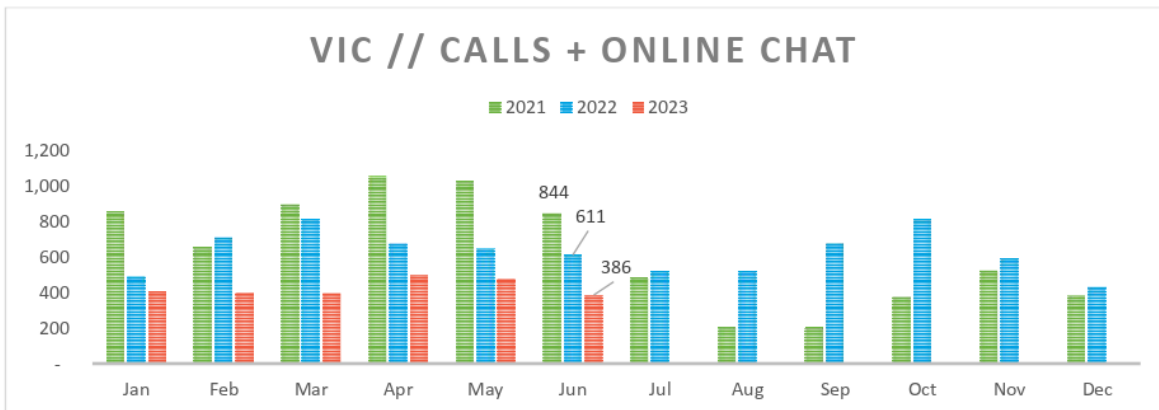
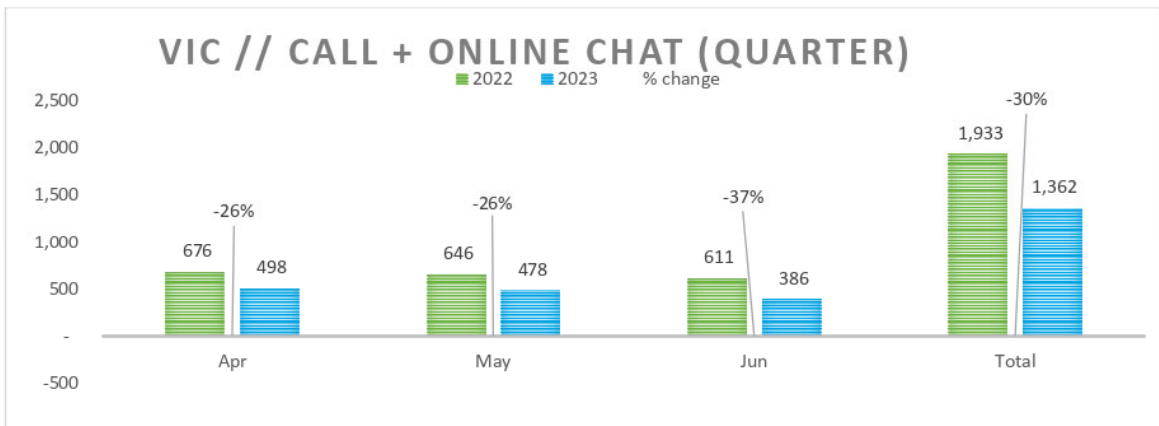
**VISITOR INFORMATION CENTRES (VIC)**





VIC Total Visitors	2021	2022	2023	Total
Visitors	28,053	32,873	13,390	74,856

\* 2023 total to date @ June '23 (YTD)



VIC Calls + Online Chat	2021	2022	2023	Total
Total	7,501	8,694	2,559	17,557

\* 2023 total to date @ June '23 (YTD)

- VIC visitation was down 27% on Q4 last year across all three locations, but up 2% in Mudgee VIC due to a strong April.
- Calls + online chat was down 37% compared to Q4 last year.
- Net retail sales up 7% on Q4 last year despite the drop in visitation.
- Gross event ticket sales down on Q4 last year (23%). There were several higher priced tickets on sale during the same quarter last year.

**VISITOR DEMOGRAPHICS + GEOGRAPHICAL DATA**

We are now utilising Localis to monitor where visitors are coming from. This data tools tracks mobile phones place of origin.

We use mobility data to view source markets for the Mudgee Region and find out what day of the week/hour has the highest visitation.

**Demographics // Geosource Markets (Quarter)**

Top 20 Visiting LGAs to Mudgee Region FY23 / Q4			
Blacktown City Council	Bathurst Regional Council	Sutherland Shire Council	Newcastle City Council
Penrith City Council	Central Coast Council	Lake Macquarie City Council	Blue Mountains City Council
Northern Beaches Council	City of Parramatta Council	Council of the City of Sydney	The Council of the Shire of Hornsby
Dubbo Regional Council	Canterbury-Bankstown Council	Hawkesbury City Council	Cumberland Council
The Hills Shire Council	Orange City Council	Liverpool Council	Inner West Council

\* Chronologically listed down each column then from left to right

Top 20 Visiting LGAs to Mudgee Region FY22 / Q4			
Penrith City Council	Northern Beaches Council	Southern Shire Council	Canterbury-Bankstown Council
Blacktown City Council	The Hills Shire Council	City of Parramatta Council	Wollongong City Council
Bathurst Regional Council	Orange City Council	Lithgow City Council	The Council of the Shire of Hornsby
Dubbo Regional Council	Lake Macquarie City Council	Blue Mountains City Council	Maitland City Council
Central Coast Council	Hawkesbury City Council	Newcastle City Council	Liverpool City Council

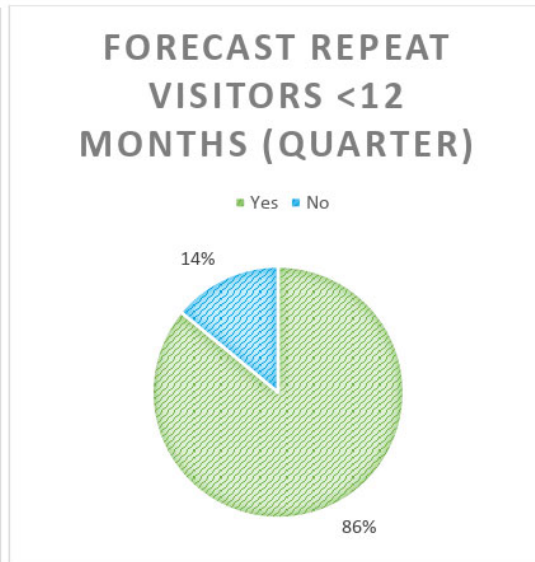
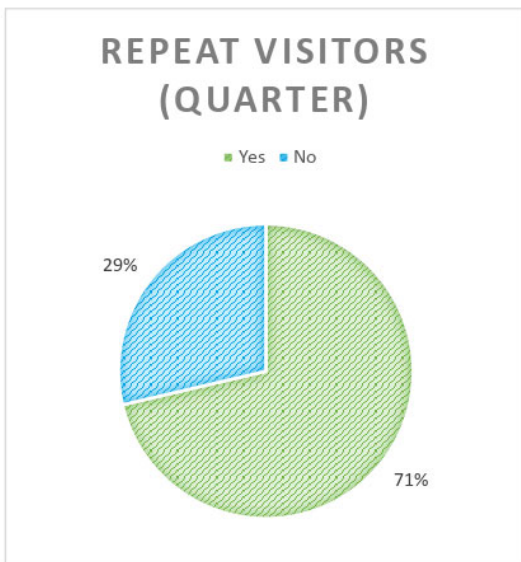
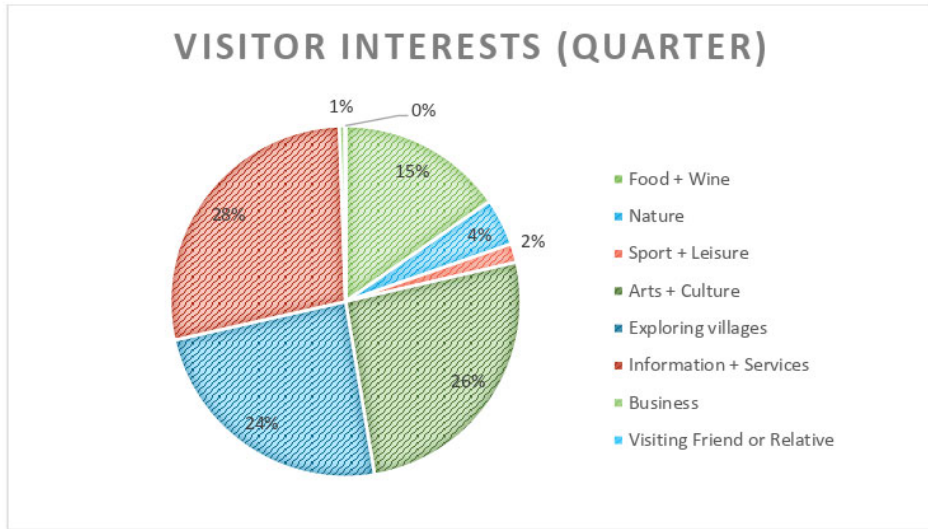
\* Chronologically listed down each column then from left to right

- Top Interstate visitation April to June '23: QLD @ 4.77%, VIC @ 4.13%, ACT @ 1.32%
- Top interstate visitation January to March '22: Qld @ 4.55%, VIC @ 2.92%, ACT @ 0.92%

**Traveller Type (Quarter)**

Average Visitor Profile for the Top 20 Visiting LGAs FY23 / Q4	
April to June '23	April to June '22
Average weekly household income: \$1,962.98	Average weekly household income: \$1,952.74
Average household size: 2.7	Average household size: 2.7 people
Average visitor age: 39.8	Average visitor age: 40.3 years

**VISITOR INFORMATION SURVEY RESULTS**



## VISITOR SATISFACTION



### Mudgee Visitor Centre Survey Comments:

- Go to the wineries. Lots of lovely ones to try
- Doing well don't need any
- Love wineries
- Wineries are a must
- Keep doing you.
- Shop in town, do the Mudgee River walk, visit the amazing vineyards and enjoy the wonderful food.
- Excellent information centre
- Would love to explore the region
- An unique area with its own charm, no tips needed
- More markets etc. when the footy weekends are on
- No suggestions, just keep Mudgee as beautiful as it already is!
- Restaurants should open Monday nights as many Sydney siders would like to include a Mo day night stay but are put off as limited restaurants open.
- Wine tour including olive oil tasting and taking in the view from Logan wines
- A guide to kids activities, museums and art galleries. The wineries are great for adults but not the main attraction for kids.
- Love Mudgee and surrounds, can't get enough of it; great scenery and even greater wine 😊
- Fabulous shopping but not open Sunday!
- Add a suggested itinerary for walks
- Wish we knew about the races, the long lunch & Vivid in Mudgee
- Great concerts are always good and things for kids to do
- Samples of local foods
- Great to visit Mudgee check out the wineries and relatives
- Just take a quiet moment to listen to nature
- Packages, wine tours
- Thanks for the warm and friendly greeting as we walked through the door! 😊
- Lots to see and do in Mudgee
- Lovely toilets thank you
- Friendly and helpful staff in a clean and inviting area.
- Georgia was very helpful
- Good maps for cycling
- Chatty and helpful
- Great staff ❤️❤️❤️
- Lovely friendly service
- Great lady with good advice

- Lovely display of merchandise
- Thanks
- Very helpful advice
- Big help
- Lovely ladies
- We had difficulty finding the Visitor Centre but Mudgee is very friendly and welcoming
- No tips – had a fantastic time. Have kept the Mudgee brochure for our upcoming visit.
- Perfect
- Love it, ticks all boxes, beautiful town.
- Great reds
- Happy relaxing town
- Keep up the good work. Lovely gallery. Tammy and the girls were so helpful and friendly.
- Nothing to add 😊
- Enjoy good wine with friends
- Book a wine tour with friends!
- Great staff service
- Georgia was very helpful and polite. Thank you for your help.
- Renee was lovely, I felt very welcome
- Fantastic
- Always friendly
- Great service on front desk
- Very helpful!
- People are wonderful and helpful. Thank you!
- Staff where very nice
- Excellent service, thank you
- Nothing but helpful
- Excellent service
- Renee was extremely helpful and lovely. We had a beautiful experience at Robert Stein winery that was recommended. Thank you Renee!
- Fantastic and friendly staff!

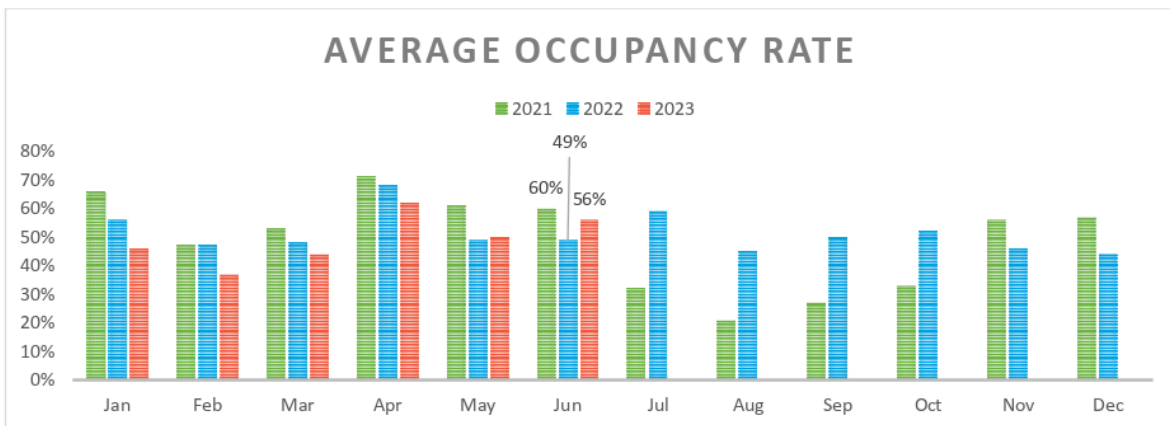
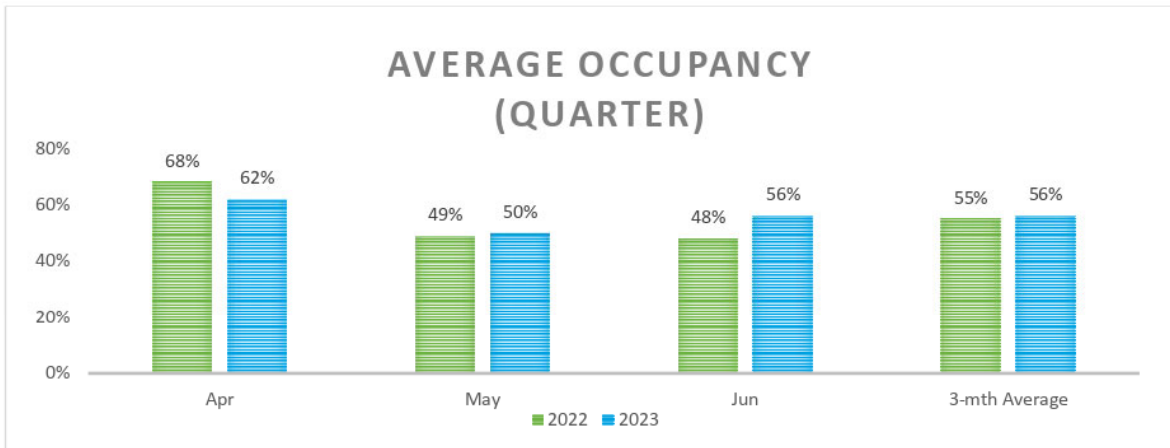


**OVERNIGHT VISITATION**

Localis allows us to monitor occupancy, supply and future forecast. This data is now replacing the 35% sample we have had previously and allows us to monitor all sectors and give us live and up to date data for our accommodation sector.

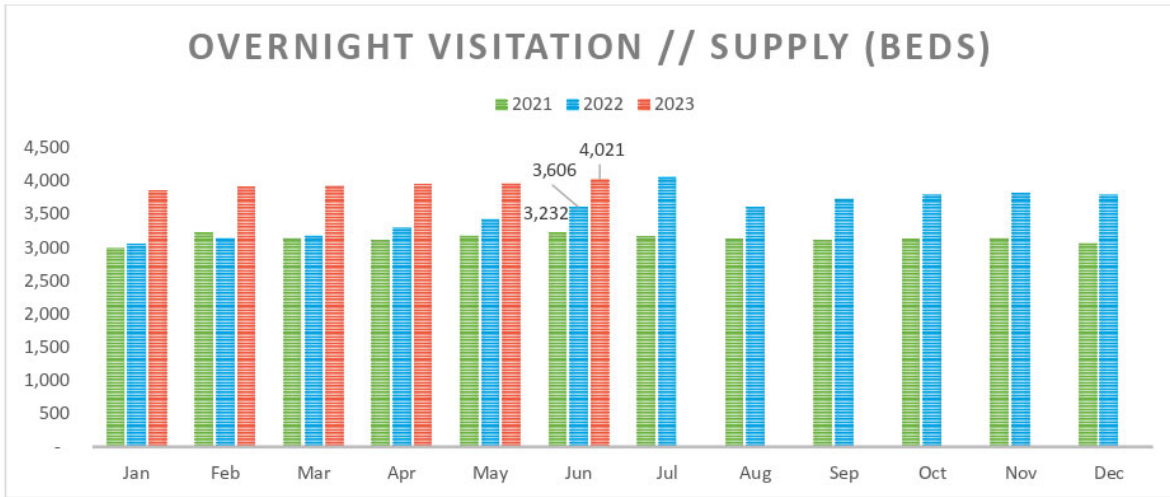
**Property type breakdown at June '23**

	Property Type	Platform	Property Count
1	Self Contained	AIRBNB	356
2	Self Contained	BOOKING	116
3	Self Contained	HOMEAWAY	80
4	Self Contained	TRIPADVISOR	65
5	Hotel/Motel	BOOKING	47
6	Hotel/Motel	AIRBNB	28
7	Hotel/Motel	HOMEAWAY	7
8	Hotel/Motel	TRIPADVISOR	5
9	Holiday Park	AIRBNB	11
10	Holiday Park	HOMEAWAY	2



Average Occupancy Rate	2021	2022	2023
Annual Average Occupancy	49%	54%	49%

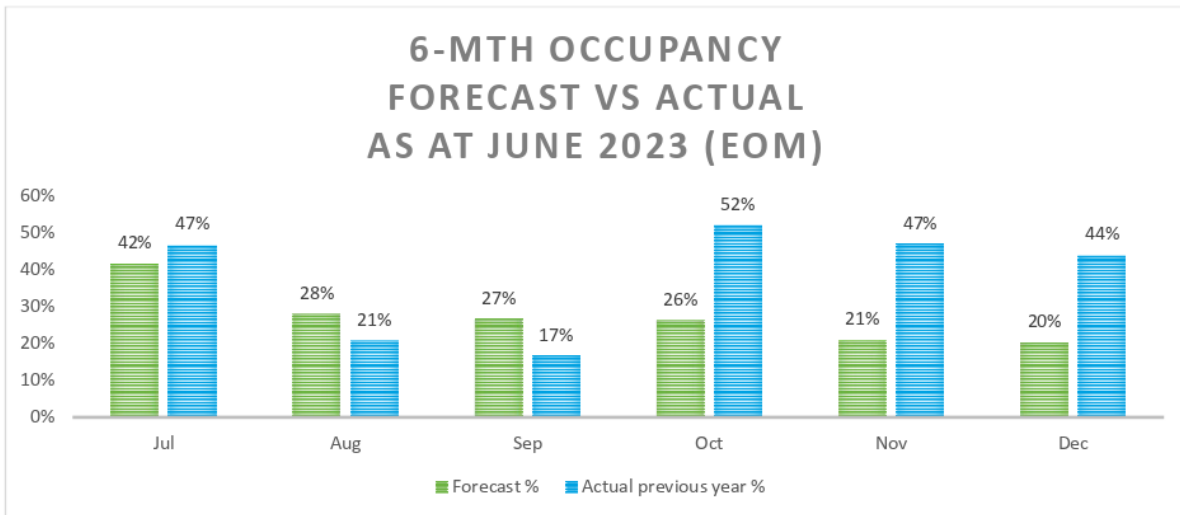
\* 2023 total to date @ June '23 (YTD)



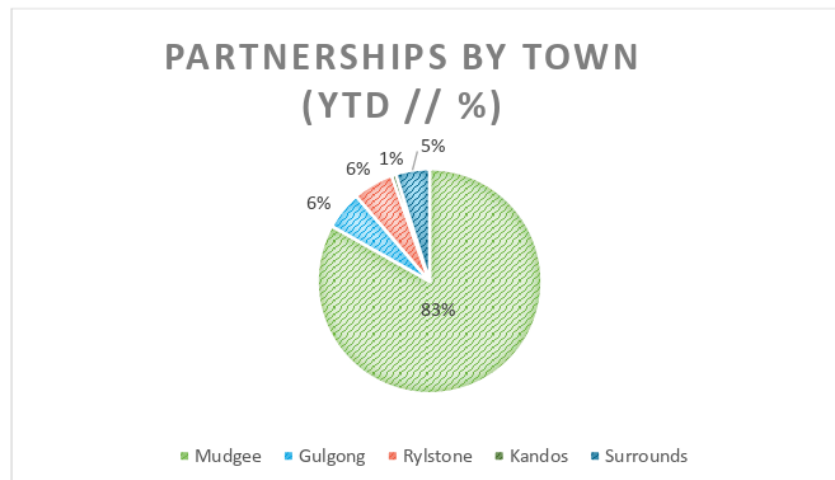
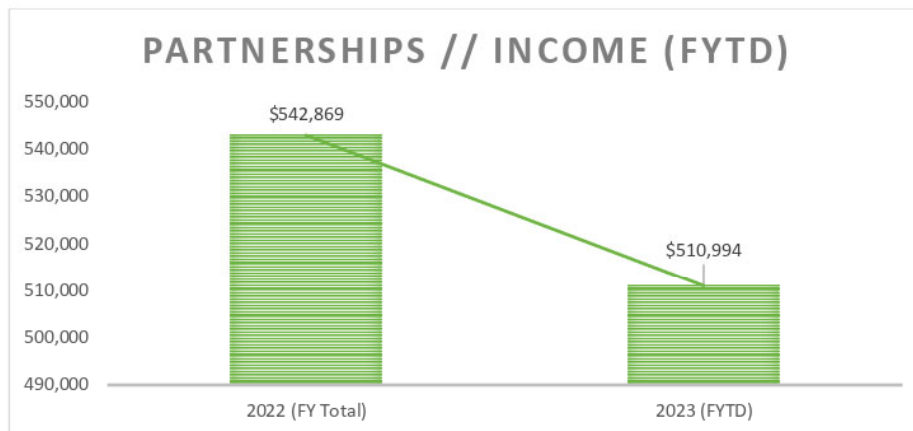
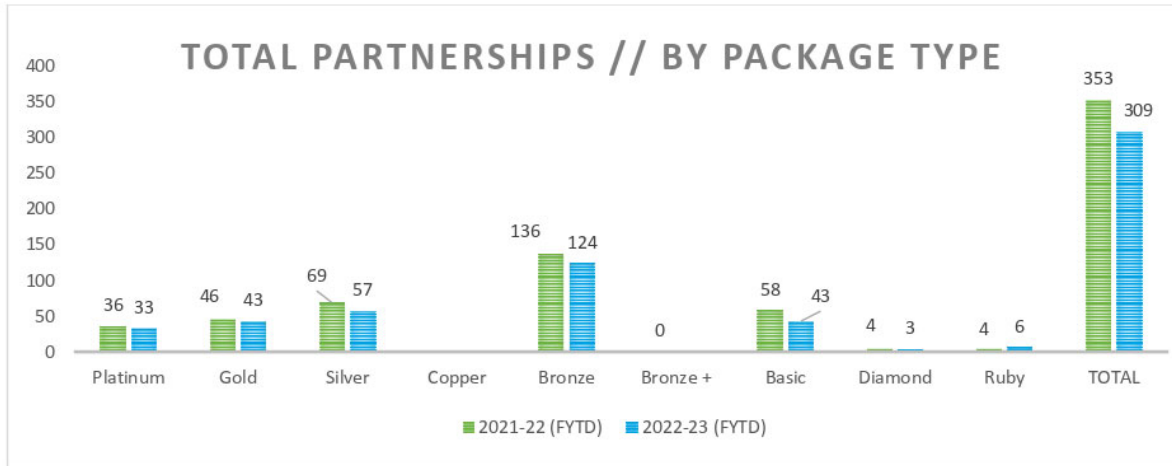
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2019</b>	2,391	2,424	2,381	2,453	2,424	2,391	2,450	2,430	2,502	2,497	2,526	2,534
<b>2020</b>	2,539	2,586	2,575	2,557	2,641	2,563	2,536	2,573	3,090	2,671	2,835	2,928
<b>2021</b>	2,996	3,226	3,140	3,110	3,174	3,232	3,158	3,122	3,101	3,136	3,140	3,071
<b>2022</b>	3,042	3,139	3,174	3,300	3,432	3,606	4,062	3,607	3,740	3,803	3,817	3,795
<b>2023</b>	3,849	3,910	3,935	3,942	3,963	4,021						

Accommodation Supply	2019	2020	2021	2022	2023
Average Monthly Supply of Bed	2,450	2,675	3,134	3,543	3937

\* 2023 average to date @ June '23



**PARTNERSHIPS**



- Total Partnership packages tracking behind last year result 12%
- Total Partnership income FYTD behind last year result 6%
- 83% of Partnership is in Mudgee, 6% Gulgong, 6% Rylstone and 1% Kandos

**PROGRESS // 2020–25 DESTINATION MANAGEMENT PLAN GOALS + ACTIVITY**

Goal	Measurable Objectives (KPIs) (over the period 2020 to 2025)	Progress or action taken, as of June 2023
<p><b>A.</b> Leverage existing visitor markets to encourage increased length of stay and yield.</p>	<p>Increase the visitor economy spend by 20% or 200,000 visitor nights.</p>	<p>To discuss at reporting.</p>
<p><b>B.</b> Encourage greater regional dispersal to share the benefits of tourism across the entire Mudgee Region.</p>	<p>Increase in participation in events and tickets sales at museums and attractions by 10% in centres such as Gulgong, Kandos and Rylstone.</p>	<p>We are encouraging all events to be promoted on the new What's On website across all towns and villages. To increase local engagement and visitor dispersal.</p>
<p><b>C.</b> Strengthen the appeal of the region year-round to contribute to the viability of local businesses and to support vibrant communities.</p>	<p>Increase in positive sentiment achieved as measured by an analysis of social media and online media sentiment.</p> <p>Increase in digital content delivered for multichannel distribution relating to low and shoulder seasons.</p>	<p>MRT received the DSI with a total of 46 whilst aiming for 50. The concentrated focus lifted the score from 36 12 months prior.</p> <p>Launched CrowdRiff to have an image library distribution tool for MRT and Partners.</p> <p>Updated social media strategy to increase reach and engagement at completion of <i>Feel the Love</i> campaign.</p>
<p><b>D.</b> Focus on higher-yield markets by enriching the experience offer.</p>	<p>Increase in the number of higher-yield products, tours and experiences listed on the Australian Tourism Data Warehouse (ATDW) and on online booking platforms.</p>	<p>Launched a new events website to have ATDW integration and promotion of all events in the Mudgee Region.</p> <p>MRT Crew pro-active outreach to Partners who are yet to complete their ATDW listing.</p>
<p><b>E.</b> Enhance collaboration and partnerships to support the visitor economy.</p>	<p>Increase partnership engagement and resulting financial contribution to MRT by 10%.</p>	<p>Looking at new strategies to increase offerings for Partners to be involved in. Changing the way print collateral works in and out of destination.</p>

## FINANCIAL PERFORMANCE

1. **Nature of Report**
  - a. This is the financial report for the fourth quarter of the MRTI 2022–23 financial year, given to Mid-Western Regional Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.
  - b. The report demonstrates the preliminary trading result for the financial quarter ended June 30, 2023.
2. **Accounting Conventions**
  - a. The attached P&L and Balance Sheet have been prepared from the Xero General Ledger with no external intervention other than formatting.
  - b. Accrual accounting is used under GAAP.

**Overall Result**  
Operating Profit/Net Income at end of Q4 \$62K, \$56K ahead of budget.
3. **Trading Income**  
Retail trading income at end Q4 \$240K, \$25K ahead budget.
4. **Total Revenue**  
Overall revenue \$135K ahead of budget.  
  
Gross Profit \$106K ahead of budget.
5. **Total Expenses**  
Total expenses over budget \$50K. A brand refresh and website build are the two additional projects undertaken that weren't budgeted for at the start of financial year.
  - a. The organisation continues to be under financial control.
6. **Cash Funds**  
At the end of Q4 of the 2022–23 Financial Year, cash-on-hand is the primary current asset \$424K.
7. **Balance Sheet**  
A balance sheet is included as part of this report.

**CONSOLIDATED PROFIT + LOSS – June '23 YTD VS BUDGET YTD**

**Consolidated: Q4 YTD vs Budget YTD // Q4 Previous Year Comparison**

PROFIT & LOSS	2022/2023	Budget	Budget Variance	2021/2022	This year vs last year (\$ YTD)
<b>Revenue</b>					
Retail Sales	\$239,792	\$214,340	\$25,452	\$212,067	\$27,724
Ticket and Booking Income	\$11,092	\$5,505	\$5,587	\$10,014	\$1,078
Partnership Income	\$511,708	\$492,420	\$19,288	\$542,975	-\$31,267
Mid Western Regional Council	\$767,801	\$760,000	\$7,801	\$672,132	\$95,669
Grants & Other Income	\$267,540	\$190,240	\$77,300	\$357,396	-\$89,856
<b>Total Revenue</b>	<b>\$1,797,933</b>	<b>\$1,662,505</b>	<b>\$135,428</b>	<b>\$1,794,584</b>	<b>\$3,348</b>
<b>Cost of Sales</b>					
COGS Mudgee	\$174,761	\$149,318	\$25,443	\$157,505	\$17,255
COGS Partnership	\$7,137	\$3,250	\$3,887	\$6,512	\$625
COGS Ticketing	\$0	\$0	\$0	\$17	-\$17
<b>Total Cost of Sales</b>	<b>\$181,897</b>	<b>\$152,568</b>	<b>\$29,329</b>	<b>\$164,035</b>	<b>\$17,862</b>
<b>Gross Profit</b>	<b>\$1,616,035</b>	<b>\$1,509,937</b>	<b>\$106,098</b>	<b>\$1,630,549</b>	<b>-\$14,514</b>
<b>Expenses</b>					
Bank and Professional / Consultant Fees	\$50,924	\$48,575	\$2,349	\$47,272	\$3,652
Computer & IT Expenses	\$29,960	\$30,400	-\$440	\$28,422	\$1,539
Depreciation	\$25,527	\$21,299	\$4,228	\$40,767	-\$15,240
Partner Costs	\$7,111	\$9,400	-\$2,289	\$9,756	-\$2,645
Operating Costs	\$46,903	\$30,485	\$16,418	\$43,373	\$3,530
Regional Marketing	\$447,056	\$378,480	\$68,576	\$454,203	-\$7,147
Staff & Board Costs (not Salaries & Wages)	\$19,302	\$26,225	-\$6,923	\$24,865	-\$5,563
Staff Wages & Salaries	\$746,035	\$785,421	-\$39,386	\$670,724	\$75,311
Magazine and Map	\$163,781	\$173,875	-\$10,094	\$170,251	-\$6,470
Suspense	-\$191	\$0	-\$191	-\$212	\$20
Recruitment	\$5,689	\$0	\$5,689	\$20,789	-\$15,100
COGS Events	\$56	\$0	\$56	\$0	\$56
Events	\$11,984	\$0	\$11,984	\$0	\$11,984
<b>Total Expenses</b>	<b>\$1,554,139</b>	<b>\$1,504,160</b>	<b>\$49,979</b>	<b>\$1,510,210</b>	<b>\$43,929</b>
<b>Operating Profit</b>	<b>\$61,896</b>	<b>\$5,777</b>	<b>\$56,119</b>	<b>\$120,339</b>	<b>-\$58,442</b>
<b>Other Expenses</b>					
Office Relocation	\$0	\$0	\$0	\$17,745	-\$17,745
<b>Earnings Before Interest &amp; Tax</b>	<b>\$61,896</b>	<b>\$5,777</b>	<b>\$56,119</b>	<b>\$102,594</b>	<b>-\$40,698</b>
<b>Net Income</b>	<b>\$61,896</b>	<b>\$5,777</b>	<b>\$56,119</b>	<b>\$102,594</b>	<b>-\$40,698</b>

BALANCE SHEET	Q4 2022/2023
<b>ASSETS</b>	
<b>Cash &amp; Equivalents</b>	
Visa Debit Cards	\$776
NAB 14-080-1731	\$424,008
NAB Savings Acc	\$540
<b>Total Cash &amp; Equivalents</b>	<b>\$425,324</b>
<b>Accounts Receivable</b>	
Trade Debtors	\$29,804
Trade Debtors - Sub Account	-\$2,195
<b>Total Accounts Receivable</b>	<b>\$27,610</b>
<b>Inventory</b>	
Stock On Hand Mudgee	\$24,859
Stock on Hand - Consignment	\$126
Stock on Hand Mudgee - GST Free	\$5,731
<b>Total Inventory</b>	<b>\$30,716</b>
<b>Other Current Assets</b>	
ING Management Account	\$7
Float	\$600
Undeposited Funds	-\$6,030
Retail POS System Clearing Account	\$1,862
Membership Fees Clearing Account	\$42,315
Prepayments [13505]	\$80,731
123Tix Ticket Sales	\$2,198
FBT Prepayment	\$6,900
Prepaid Aramex - Fastway	\$532
Events Float	\$200
<b>Total Other Current Assets</b>	<b>\$129,316</b>
<b>Total Current Assets</b>	<b>\$612,966</b>
<b>Fixed Assets</b>	
Motor Vehicle	\$53,227
Accum Depn - Motor Vehicle	-\$37,269
Plant & Equipment	\$53,556
Accum Depn - Plant & Equipment	-\$27,496
Office Equipment	\$24,871
Accum Depn - Office Equipment	-\$6,279
Furniture & Fittings @ Cost	\$60,878
Accum Depn - Furniture & Fittings	-\$19,785
<b>Total Fixed Assets</b>	<b>\$101,703</b>
<b>Investments or Other Non-Current Assets</b>	
Intangible Asset - Web update	\$119,236
Accum Depn - Intangible Assets	-\$74,816
2011 Advertisement	\$340
<b>Total Investments or Other Non-Current Assets</b>	<b>\$44,760</b>
<b>Total Non-Current Assets</b>	<b>\$146,463</b>
<b>Total Assets</b>	<b>\$759,429</b>

	Q4 2022/2023
<b>Accounts Payable</b>	
Trade Creditors	\$23,235
Visa CC TOM	\$1,991
Visa CC BDM	\$1,943
Visa CC CEO	\$7,034
<b>Total Accounts Payable</b>	<b>\$34,202</b>
<b>Tax Liability</b>	
PAYG Withholding Tax	\$11,722
<b>Other Current Liabilities</b>	
Suspense [13600]	\$2,384
GST	\$28,111
Superannuation Payable	\$6,350
Rounding	\$0
Conversion clearing account	\$100
Accruals	\$11,635
Rounding Adj Account	\$4
Provision for Holiday Pay & TIL	\$39,499
Countrylink Tickets	\$615
Income in Advance - Tourism Supporter	\$8,000
Income in Advance - Bronze	\$77,698
Income in Advance - Gold	\$107,388
Income in Advance - Platinum	\$81,700
Income in Advance - Sponsor	\$8,690
Advertising in Advance	\$77,570
Provision for Purchase of Consignment Stock	\$225
<b>Total Other Current Liabilities</b>	<b>\$449,968</b>
<b>Total Current Liabilities</b>	<b>\$495,892</b>
<b>Other Non-Current Liabilities</b>	
UnExp Int-Chattel Mtg Current	\$2
<b>Total Non-Current Liabilities</b>	<b>\$2</b>
<b>Total Liabilities</b>	<b>\$495,895</b>
<b>EQUITY</b>	
<b>Retained Earnings</b>	
Retained Earnings	\$201,637
<b>Current Earnings</b>	
Current Year Earnings	\$61,896
<b>Total Equity</b>	<b>\$263,534</b>
<b>Total Liabilities &amp; Equity</b>	<b>\$759,429</b>



## Item 12: Reports from Committees

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### 12.1 Local Traffic Committee Meeting Minutes - July 2023

REPORT BY THE OPERATIONS ADMINISTRATION ASSISTANT  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, A0100009

#### RECOMMENDATION

**That Council receive the report by the Operations Administration Assistant on the Local Traffic Committee Meeting Minutes for July 2023.**

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#### Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

#### Disclosure of Interest

Nil

#### Detailed report

The Local Traffic Committee meeting was held on 21 July 2023.

General Business items included:

- GULGONG School precinct issues- recommendations to update zebra crossing lines/signage/parallel parking in and around the school.
- STUBBO SOLAR FARM – recommendation to reduce the speed zone during construction to 60/80kms. Council to liaise with Transport NSW and the NSW Police.

Correspondence items included:

- Mudgee Classic 2023: Slight change of courses
- Rylstone police intersection review – Coomber St & Mudgee St, Rylstone

Full discussion notes are included in the attached report.

#### Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

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## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Not Applicable

### **Legislation**

Not Applicable

## Financial implications

Not Applicable

TRACEY STARR  
OPERATIONS ADMINISTRATION ASSISTANT

RAY KEARNS  
MANAGER, INFRASTRUCTURE PLANNING

1 September 2023

*Attachments:* 1. JULY LOCAL TRAFFIC COMMITTEE MINUTES.

APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

Mid-Western Regional Council

Date: 21 July 2023

## Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee  
on 21 July 2023, commencing at 9.30am and concluding at 12.30pm

COMMITTEE MEMBERS PRESENT Mr R Kearns (Manager Infrastructure Planning), Ms S Cecchini (Road Safety Officer), Mr P Blackman (Community Representative), Cr A Karavas, Mr M Fehon (NSW Police), Mr G McGovern (NSW Police), Mr W Hazelton (Transport for NSW Representative), Mr S Fogarty (NSW Police), Mr Tom Worley (Transport for NSW Representative), MWRC Employee Tracey Starr (Administration Assistant, Operations), MWRC Employee Lisa Cartmell (Executive Assistant, Operations).

EXTERNAL PARTIES PRESENT St Matthew's School – Ms Angela Myles

### APOLOGIES

THERE WERE NO APOLOGIES

ITEM 1: CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

MOTION CARRIED: MR GARY MCGOVERN & MR PHILIP BLACKMAN

### RECOMMENDATION

**That the Minutes of the previous Local Traffic Committee held on 26<sup>th</sup> May 2023, be taken as read and confirmed.**

#### Acknowledgement to Country:

We acknowledge the Wiradjuri people, the traditional custodians of the Wiradjuri Nation. We acknowledge their Elders past, present and future. We also acknowledge people from other nations and language groups who have now made the Mid-Western Region their home, along with the descendants of the Wiradjuri Nation.



**MATTERS IN PROGRESS – JULY 2023**

SUBJECT	RES NO. & DATE	CLOSE	ACTION
<b>Perry Street Parking Issues (Surrounding Mudgee High School)</b>	<b>15.06.22</b>		18/3/2022 – This will be included as part of the audit. 23/5/2022 – brief with Ray Kearns for approval 21/7/2022-Pull together a brief to put forward to a consultant. 19/8/2022-Ongoing 16/12/2022 – RFQ for 2023. Consultant for access. 17/02/2023 – Ongoing. Request for Quote from consultant. <b>17/03/2023 – Ongoing</b> <b>26/05/2023- Quote received.</b> <b>12/07/2023 - Ongoing</b>
<b>Henry Lawson Drive and Ulan Rd</b>	<b>N/A</b>	<b>Report REQ</b>	18/3/2022 Ray advised a Road Audit will be undertaken for this intersection. 27/7/2022- Information is still to be collected and official report to follow. 19/8/2022- TfNSW to review Road Safety Report. 16/9/2022- Look at speed in between Henry Lawson Drive and Ulan Rd. 28/10/22 – Possible budget allocation. Council will revise the scope to road safety audit and Transport NSW will do a speed zone assessment. 16/12/2022 – Waiting for budget review. Follow up with finance. TfNSW speed zone assessment waiting for finalised report. 17/02/2023 – TfNSW Speed Zone Assessment should be approved in the coming weeks – discussion around 60km/hr zone. 17/03/2023 - Council arrange a Road Safety audit. TfNSW has endorsed the speed zone change & requested a quote for signage change from Council. Chairperson seeking endorsement from MWRC General Manager. <b>26/05/2023- Speed zone implemented 2<sup>nd</sup> May. Speed zone review to be done on Henry Lawson Drv.</b> <b>12/07/2023- on going</b> <b>Update: 21/7 :Transport NSW (TfNSW) reviewing. Shoulder widening review may be required (near Men's shed). WR required for widening.</b>



**MATTERS IN PROGRESS – JULY 2023**

SUBJECT	RES NO. & DATE	CLOSE	ACTION
<b>Discuss painted slip lane for bus pick up zone (St. Matthew's Primary – Lewis Street)</b>	<b>LTC Feb 23</b>	Yes	17/02/2023 – Ogden's Coaches addressing painted slip lanes - Mt. Matthews Primary College – Service Lane. Design discussion with Ogden's, Police & TfNSW. Ogden's use of bus zone outside of school hours; events, charter hire etc. Feedback on design; signage & parking comments for March LTC from TfNSW & Police 17/03/2023 – Discuss with St. Matthew's so it can be communicated in advance with parents. Ray to add notes about signage. Report required for April LTC. <b>26/05/2023 – Scheduled for Sept – No Further Action</b>
<b>Discuss painted slip lane for bus pick up zone (Cudgegong Primary)</b>	<b>LTC Feb 23</b> RD2072/2023	Yes	17/02/2023 – Ogden's Coaches addressing painted slip lanes - <a href="#">Painted Island TfNSW Road Rule</a> 17/03/2023 – TfNSW & Police endorse adding the diagonal lines at Cudgegong Primary as per the Painted Island TfNSW Road Rule.  <b>26/05/2023- Check if works requests done. No further action.</b> <b>12/07/2023- WORKS REQUEST: <a href="#">RD0063/2024</a></b>
<b>St. Matthews Secondary College – Spring Flat</b>	<b>LTC Feb 23</b>  (Customer Responses under LAN900096)		17/02/2023 – Pedestrian/Cyclist concerns. Discussions around out of hours parking on Broadhead Road; not endorsed by TfNSW & MWRC Road Safety. Intersection Design for coach left / right movements Broadhead Road. TfNSW & Police to complete a site inspection for further comment 17/03/2023 – Representatives discussed current matters around St. Matthews School. Risk & Suggestions listed below in General Business. 26/05/2023- School has requested timed parking in Bus zone during drop off times. LTC voiced no issues with this in general. Follow up introduction of pedestrian crossing (if needed). Follow SSD9872 project approval condition. Addressed with the school, the issue of school excursion using bus zones and S138 conditions. Organise a meeting- next LTC to discuss OMP plan (operational plan) and traffic around the school.  <b>21/07/2023- Representatives to attend to discuss further.</b>



**MATTERS IN PROGRESS – JULY 2023**

SUBJECT	RES NO. & DATE	CLOSE	ACTION
<b>Rylstone Police Intersection Review – Coomber St &amp; Mudgee St, Rylstone</b>	<b>LTC Feb 23</b>  (Email Rylstone Police)		17/02/2023 – Referred to TfNSW & Road Safety to review. Traffic Counters on Mudgee Street & Coomber Street. Submit report for LTC at future date after data review 17/03/2023 – Waiting for Traffic Counter data. 26/05/2023- Request to put a STOP sign received. Traffic count done. Outcome- Traffic count data reveal similar counts on both roads, recommend retaining the GIVE WAY ahead signage. Works request required- enhance give way signs and line marking. Investigate size B or C. No further action for LTC once works request created. <b>12/07/2023 - WORKS REQUEST: RD0064/2024</b>

**PAST EVENT DEBRIEF**

EVENT	
MUDGEE CLASSIC	Debrief to be organised with organiser re: road rules etc. Council LTC will contact organiser later in the year to discuss issues.  ACTION: For next meeting 18/08/2023 <ul style="list-style-type: none"> <li>• Research: rules on “race” – NSW Police believe that it is a race therefore “race” rules should apply.</li> <li>• Risk assessments/access route</li> </ul>
MUDGEE SMALL FARM FIELD DAY	Any issues noted? Poor weather created issues with car park. Henry Lawson Drive traffic an issue on Friday (banking) – Is a second gate required? Signage on Ulan Rd may need to be reviewed as confusing. Additional signage required for disabled parking/general parking. Signage needs to be clearer. Bunting both sides of Ulan /AREC entry.  ACTION: LETTER FROM LTC WITH RECOMMENDATIONS. <ul style="list-style-type: none"> <li>• Additional signage</li> <li>• Clearer signage</li> <li>• Bunting on both sides of Ulan Road/AREC Entry way.</li> </ul>



<b>Calendar of Events 2023</b>		
<b>JANUARY</b>	<b>DATE</b>	<b>COMMENTS</b>
Kandos Street Machine and Hot Rod Show	27 January 2023 – 29 January 2023	
<b>FEBRUARY</b>	<b>DATE</b>	<b>COMMENTS</b>
St George Illawarra Dragons V South Sydney Rabbitohs	18 February 2023	
<b>MARCH</b>	<b>DATE</b>	<b>COMMENTS</b>
Can Cruise	18 March 2023	Secretary to email event organiser to notify about LTC
Mudgee Glow 2023	31 March 2023	Endorsed by LTC Committee
<b>APRIL</b>	<b>DATE</b>	<b>COMMENTS</b>
Manly Sea Eagles v Newcastle Knights	1 April 2023	
Mudgee RSL Sub Branch Anzac Day Parade	25 <sup>th</sup> April	March Council Report
Gulgong RSL Sub Branch Anzac Day Parade	25 <sup>th</sup> April	March LTC Meeting
Dirty Mudgee 2023	29 April 2023	
Mudgee Classic 2023	30 April 2023	
18 <sup>th</sup> National Historic Machinery Rally	14 <sup>th</sup> – 16 <sup>th</sup> April 2023	March Council Report
<b>MAY</b>	<b>DATE</b>	<b>COMMENTS</b>
<b>JUNE</b>	<b>DATE</b>	<b>COMMENTS</b>
Henry Lawson Heritage Festival Gulgong Gold Cup	10 <sup>th</sup> June 11 <sup>th</sup> June	
Mudgee Small Farm Field Day	7-8 <sup>th</sup> July	
<b>AUGUST</b>	<b>DATE</b>	<b>COMMENTS</b>
Mudgee Running Festival	20/08/2023	Traffic management plan required. *Mudgee hospital to be notified. ACTION: LTC to schedule meeting and notification to hospital.
<b>SEPTEMBER</b>	<b>DATE</b>	<b>COMMENTS</b>
Mudgee High School – Rainbow Day	21/09/2023 8am to 9.15am	Traffic management plan required. ACTION: Communications as to requirements to be followed up. PROGRESS LETTER
<b>OCTOBER</b>	<b>DATE</b>	<b>COMMENTS</b>
Sculptures in the Garden Gardens in Mudgee	7-22 <sup>nd</sup> October 14-15 <sup>th</sup> October	Parking may need to be reviewed
<b>NOVEMBER</b>	<b>DATE</b>	<b>COMMENTS</b>
<b>DECEMBER</b>	<b>DATE</b>	<b>COMMENTS</b>
Council Christmas Shutdown	22 <sup>ND</sup> to 2 <sup>nd</sup> Jan	

Red = Unapproved  
 Green = Approved



23/011 GENERAL BUSINESS

Mudgee Running Festival – that Council accept the new route

**RECOMMENDATION**

**That Council receive the general business as noted, and any actions from the general business to be investigated by the Committee further.**

23/012 GULGONG SCHOOL PARKING CONDITIONS  
23/012 CHANGE TO TRAFFIC (STUBBO SOLAR FARM)

Committee Comments

**(i)Mudgee Running Festival – that Council accept the new route.**

**(ii) Gulgong School Precinct issues.**

Recommendations: Formalising non-stopping area, additional signage, and lineage.

See report.

Council working with school to get crossing supervisor and have recommendations as per report.

**RECOMMENDATIONS:**

Committee recommends that Council perform the following:

1. Zebra crossing to be repainted.
2. Signage update as per report.
3. Parallel parking
4. Notify residents as to change to parking/signage, dates, if recommendations passed.
5. Funding to be confirmed.

**MOTION: MR GARY MCGOVERN/ MR TOM WORLEY**

**That the above recommendation be accepted and approved by Council.**

**(II) STUBBO SOLAR FARM SPEED REDUCTION REQUEST.**

See Report.

Transport NSW COMMENTS– may require VMS or permanent signage.

RECOMMENDATIONS: Temporary road work speed limit (for construction zone).

Committee recommends that the Council notify Transport NSW for the road work speed reduction for the extended period with reason.

Committee recommends that Council notify NSW Police requesting enforceable speed zone.

Police will require formal notice of gazetted period, before the enforceable zone can be applied.

1. Review length of speed zones
2. Traffic guidance scheme to be provided adhering to correct policy/restrictions/regulations.
3. Signs to adhere to Council Policy (Informational and Directional Signage Policy). (\*Check with Tourism re: policy as currently under review\*).
4. Refer to Transport NSW signage register for service road signage.
5. Council to notify applicant of actions.





OTHER GENERAL BUSINESS:

ST MATTHEW's Traffic Conditions – St Matthew's Representative Ms Angela Myles  
**Debrief on current situation (Six (6) months on review).**

Below is a summary of comments made during the Committee meeting.

The observations of conditions of consent being reviewed.

*Transport NSW* : School zone infrastructure funding may be available to improve current road/pedestrian use. "Get NSW Active" funding available (October). This funding may be beneficial to assist. Active transport plan.

Council funding may be available for pedestrian upgrade.

- Survey to be done at the intersection to evaluate road infrastructure/requirements.
- Council looking at (by November) to have a concept path/scope of work.
- Council looking also at lighting required in the area.
- Draft of walking / cycling network also to be tabled.
- Development consent: out of hours management plan to be reviewed again. Including Parking (F1-F4).

Operational Management plan (F8).

How will the school use buses within conditions of consent.

Pedestrian crossing issues. "Green Travel plan" – not operational at this time.

St Matthew's to document what they are currently doing.

Bus plan to be evaluated.

*Pedestrian crossing review: with Transport NSW – on Broadhead rd.*

*Zebra crossing requirements.*

- Required: updated traffic count to be provided to Transport NSW.

Recommendations from Transport NSW required.

- Assessment against warrant to be completed and recommendations to follow.

St Matthew's to act on recommendations.

*NSW Police observation/comments:* parking still an issue. More traffic in the area including foot traffic. Bus movements still a concern and to be reviewed. Bus holding area/bay- also to be reviewed.

St Matthew's comments: short term recommendations: strategies being reviewed, including education, also looking at funding to assist with having a presence to assist with children movements.

- St Matthew's to review OTAMP which has requirements.

Committee recommends the following ACTIONS by Council Committee (LTC):

1. CONCEPT PLAN OF DESIGN & CONSTRUCTION (Broadhead rd & Bruce Rd)
2. DRAFT WALKING & CYCLING NETWORK PLAN
3. INVESTIGATE LINE MARKING (Broadhead rd – double lines).
4. BUS HOLDING BAY review.
5. ST MATTHEWS to review OTAMP & GREEN TRAVEL PLAN.

**Paling Yard Wind Farm.**

Traffic impact assessment discussed. Report tabled for TfNSW representative.



**Heavy Vehicle signage detour (Mudgee CBD)** – NSW Police Highway patrol commented on lack of signage after recent incident.

As state road, TfNSW to review.

- Committee recommends that Council contact Transport NSW in regards to signage.

**Castlereagh & Hill End – intersection.**

'Short term safety treatment' funds may be required/available – Transport NSW. (September).

Lightening may be required.

Traffic counts will be required.

Comments : Vision is limited exiting Hill End onto Castlereagh.

Sight visit with NSW Police and TfNSW, was done this week.

The Committee's list of ACTIONS for Council committee (LTC):

1. Transport to do traffic count- intersection assessment and revert back to LTC.
2. Police to advise if there is any road/locations of concern.
3. Council can then review roads (fatal accident review).
4. High frequency areas/crash zone review data may be available to assist.
5. Trends can be sent to Transport NSW to assist with development/funding.

**Directional Signage concern– Ulan/Glencore mine sites.**

Access roads not easy to find due to lack of signage.

Action List for LTC:

- Design to be emailed to Council from Transport NSW.
- Committee recommended that Council send Glencore signage update letter.
- Committee recommends that Council discuss with Ambulance NSW in regards to what is required.

**ITEM 2: CLOSURE**

There being no further business the meeting concluded at 12.30pm.

The next Local Traffic Committee will be held on the **Friday, 25th August 2023** at Operations Meeting Room, 54 Depot Road Mudgee.

## 12.2 Audit Risk and Improvement Committee Minutes - 25 August 2023

REPORT BY THE DIRECTOR COMMUNITY  
TO 20 SEPTEMBER 2023 ORDINARY MEETING  
GOV400103, COR400236

### RECOMMENDATION

#### That Council:

1. receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 25 August 2023; and
2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 25 August 2023.

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### Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 25 August 2023.

### Disclosure of Interest

Nil

### Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 25 August 2023 meeting.

### Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Audit Risk and Improvement Committee Charter  
Internal Audit Policy

#### Legislation

Local Government Act 1993

## Financial implications

Not Applicable

## Associated Risks

Nil

SIMON JONES  
DIRECTOR COMMUNITY

4 September 2023

*Attachments:* 1. ARIC Minutes - 25 August 2023 Meeting.

### APPROVED FOR SUBMISSION:

JULIAN GEDDES  
ACTING GENERAL MANAGER

## Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee  
on 25 August 2023, commencing at 9:30AM and concluding at 10:56AM.

COMMITTEE MEMBERS PRESENT ARIC Chair J Stuart, Committee Member K Dicker, Independent Member J Bentley.

COUNCIL OFFICIALS PRESENT Acting General Manager & Director Operations (Julian Geddes), Director Community (Simon Jones), Chief Financial Officer (Neil Bungate), WHS and Risk Coordinator (Veronika Barry), Business Improvement Officer (Erin Reid), Governance Coordinator (Ashleigh Marshall), Executive Assistant Corporate Services (Stephanie Nadalini).

EXTERNAL PARTIES PRESENT Director, Corporate Assurance, Prosperity (Luke Malone), Audit Leader - Financial Audit, NSW Audit Office (Cassie Malone).

### Item 1: Apologies

#### 1.1 APOLOGIES

COR400236

39/23 MOTION: Stuart / Dicker

That the apologies for:

- Director Development (Alina Azar),
- General Manager (Brad Cam),
- Amir Mousa (Crowe),
- Jason Gilbert (Crowe)

be accepted.

*The motion was carried with the Committee Members voting unanimously.*

### Item 2: Disclosure of Interest

There were no disclosures of interest.

### Item 3: Confirmation of Minutes

40/23 MOTION: Stuart / Bentley

That the Minutes of the previous ARIC Meeting held on 26 May 2023 be taken as read and confirmed.

*The motion was carried with the Committee Members voting unanimously.*

Item 4: Matters in Progress

SUBJECT	MEETING DATE	RESOLUTION	ACTION
ARIC Annual Workplan and Four Year Strategic Plan and update on the Draft Risk Management and Internal Audit for Local Councils Guidelines.	25/02/2022	<p><a href="#">15/22</a>  <b>MOTION: Bentley / Stuart</b></p> <p><b>That the Audit, Risk and Improvement Committee:</b></p> <ol style="list-style-type: none"> <li>note the report on the ARIC Annual Workplan and Four Year Strategic Plan and update on the Draft Risk Management and Internal Audit for Local Councils Guidelines; and</li> <li>determined to wait for the commencement of the guidelines and develop the annual work plan and four year strategic plan in the 22/23 financial year.</li> </ol>	<p><b>22 Mar 2022</b>                      22/3/2022 Erin Reid - the Risk Management and Internal Audit Guidelines due to be adopted into legislation in June 2022. ARIC work plans to be created in the 22/23 financial year.</p> <p><b>01 Aug 2022</b>                      29/07/2022 Erin Reid – advice provided at the Local Government Internal Auditors Network meeting from the OLG is that the Draft Guidelines will come into effect in the coming months.</p> <p><b>09 Feb 2023</b>                      9/02/2023 Erin Reid - The new Draft Risk Management and Internal Audit Guidelines are attached to report 8.3. The guidelines will commence with the amendment of the regulations which is due in early 2023.</p> <p><b>RECOMMENDED FOR COMPLETION</b></p>
Enterprise Risk Management Update	12/08/2022	<p><a href="#">41/22</a>  <b>MOTION: Dicker / Bentley</b></p> <p><b>That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.</b></p> <p><b>The Committee requested that the Mid-</b></p>	<p><b>28 Sep 2022</b>                      The Organisational Hierarchy is being updated by the Finance Team for the purposes of moving TechOne to CI anywhere. This work has progressed to the test environment and once completed the committee will be</p>

		<p><b>Western Regional Council's organisation structure be presented to ARIC once complete in TechOne.</b></p>	<p>provided with an update.</p> <p><b>Refer to Report 8.1 for the organisational structure</b></p>
<p>Annual Report by the Committee Chair</p>	<p>17/02/2023</p>	<p><a href="#">19/23</a>  <b>MOTION: Bentley / Dicker</b></p> <p><b>The Audit, Risk and Improvement Committee noted the 2021/2022 ARIC Annual Report.</b></p> <p>The Chair raised the issue of redacting/removing signatures from official documents. A policy and procedure will be investigated further by Council Staff.</p>	<p><b>28 Feb 2023</b>                  A policy and procedure will be investigated further re redacting or removing signatures from official documents.</p> <p><b>10 May 2023</b>                  This matter continues to be investigated by Manager Customer Services and Governance</p> <p><b>18 Jul 2023</b>                  Director Community advised amendments made to the Electronic Signature Procedure, in circumstances where a signature is required on an official document this would not be redacted or removed. For ARIC Annual Reports, signatures are not required.</p> <p><b>10 Aug 2023</b>                  Annual Report complete and checked by Chair. No requirement for Chair signature for this document.</p> <p><b>Refer to report 8.2. of this agenda.</b></p>

4.1 MATTERS IN PROGRESS

COR400236

41/23

**MOTION: Stuart / Bentley**

**That the Audit Risk and Improvement Committee note Minute no. 15/22 as completed.**

*The motion was carried with the Committee Members voting unanimously.*

**Item 5:**

**Audit**

5.1 INTERNAL AUDIT PROGRAM STATUS REPORT

COR400236, COR400243

42/23

**MOTION: Bentley / Stuart**

**That the Audit, Risk and Improvement Committee receive the Crowe Internal Audit Program Status Report.**

*The motion was carried with the Committee Members voting unanimously.*

5.2 UPDATE ON EXTERNAL AUDIT ACTION ITEMS

COR400236, COR400236

43/23

**MOTION: Stuart / Bentley**

**That the Audit, Risk and Improvement Committee note the progress on the external action items.**

*The Chair thanked Council Staff for completing their action items. He stated that it was pleasing to see progress with minimal actions now outstanding.*

*The motion was carried with the Committee Members voting unanimously.*

5.3 UPDATE ON INTERNAL AUDIT ACTION ITEMS

COR400236, COR400236

44/23

**MOTION: Stuart / Bentley**

**That the Audit, Risk and Improvement Committee note the progress on the internal action items.**

*The motion was carried with the Committee Members voting unanimously.*



5.4 INTERIM MANAGEMENT LETTER FOR MID-WESTERN  
REGIONAL COUNCIL FOR YEAR ENDING 30 JUNE 2023  
COR400236, COR300347

45/23

**MOTION:** Dicker / Bentley

**That the Audit Risk and Improvement Committee:**

1. receive the 2022/23 Financial Statements Interim Management Letter;
2. note the auditor recommendations and management responses; and
3. note the reply made to the NSW Office of Local Government relating to qualified audit opinion for the 2021/22 financial statements.

*The motion was carried with the Committee Members voting unanimously.*

5.5 DRAFT FINANCIAL STATEMENTS 2022/2023  
COR400236, FIN300138

46/23

**MOTION:** Dicker / Bentley

**That the Audit, Risk and Improvement Committee note that:**

1. the Draft Financial Statements for the financial year ended 30 June 2023 had not been finalised; and
2. the statements will be circulated next week on completion with feedback to be provided.

*The motion was carried with the Committee Members voting unanimously.*

**Item 6: Risk**

6.1 ENTERPRISE RISK MANAGEMENT UPDATE  
COR400236, COR400236

47/23

**MOTION:** Dicker / Stuart

**That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.**

*At the next meeting, Veronika Barry, WHS and Risk Coordinator will present a visual map of the Business Continuity practices that have been adopted, and the relationship between Business Continuity and the wider Risk Management Framework.*

*The motion was carried with the Committee Members voting unanimously.*

6.2 LEGISLATIVE COMPLIANCE BREACHES

COR400236, GOV400047

48/23 MOTION: Stuart / Dicker

**That the Audit, Risk and Improvement Committee note:**

1. one legislative breach has been added to the register; and
2. five legislative breaches previously reported remain open; and
3. two legislative breaches have been closed.

*The motion was carried with the Committee Members voting unanimously.*

6.3 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

49/23 MOTION: Bentley / Dicker

**That the Audit Risk and Improvement Committee note:**

1. that there was no suspected fraud incidents since the last ARIC meeting; and
2. that there was no identified Procurement Breach incidents since the last ARIC meeting.

*The motion was carried with the Committee Members voting unanimously.*

6.4 CYBER SECURITY ASSESSMENT

COR400236, COR400236

50/23 MOTION: Dicker / Stuart

**That the Audit, Risk and Improvement Committee note the outcome of the cyber security maturity assessment including the target maturity level and the current result.**

*The Committee commended Council on the best practice initiative in completing this work.*

*The motion was carried with the Committee Members voting unanimously.*

6.5 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400236

51/23 MOTION: Stuart / Bentley

**That the Audit, Risk and Improvement Committee note the Work Health and Safety Reports for May 2023, June 2023 and July 2023.**

*The motion was carried with the Committee Members voting unanimously.*

**Item 7: Improvement**

7.1 STRATEGIC PLANNING - IP&R AND STANDARDS REVIEW  
COR400236, COR400236

52/23 **MOTION: Stuart / Dicker**

**That the Audit, Risk and Improvement Committee note the review of Councils' Integrated Planning and Reporting (IP&R) suite of documents against the IP&R standards.**

*The motion was carried with the Committee Members voting unanimously.*

7.2 UPDATE ON BUSINESS IMPROVEMENT ACTION ITEMS  
COR400236, COR400236

53/23 **MOTION: Bentley / Stuart**

**That the Audit, Risk and Improvement Committee note the progress on the Business Improvement action items for:**

- **Fraud Control Improvement;**
- **Probity;**
- **Bushfire Lessons Learnt; and**
- **CivicRisk Mutual/Nexon Cybersecurity Risk Audit**

*The committee congratulated Council staff on the significant progress made completing these action items.*

*The motion was carried with the Committee Members voting unanimously.*

7.3 2023/24 OPERATIONAL PLAN AND 2023/27 DELIVERY PROGRAM  
COR400236, COR400236

54/23 **MOTION: Bentley / Dicker**

**That the Audit, Risk and Improvement Committee note the 2023/24 Operational Plan and 2023/27 Delivery Program.**

*The Committee noted that the wrong page was in the document for depreciation of urban roads. This was noted by staff who advised that the process that caused the error will be corrected.*

*The motion was carried with the Committee Members voting unanimously.*

7.4 UPDATE ON BUSINESS IMPROVEMENT AT COUNCIL

COR400236, COR400236

55/23

**MOTION:** Bentley / Dicker

**That the Audit, Risk and Improvement Committee note the progress of the Business Improvement program.**

*The Committee noted the importance of embedding this work into 'business as usual'.*

*The motion was carried with the Committee Members voting unanimously.*

**Item 8:**

**General Business**

8.1 COUNCIL ORGANISATIONAL STRUCTURE

COR400236, COR400236

56/23

**MOTION:** Stuart / Bentley

**That the Audit, Risk and Improvement Committee receive the report from the Director Community on the Council organisational structure, which was resolved at the Ordinary Council Meeting on 17<sup>th</sup> May 2023 – Item 15.1 109/23.**

*The Committee congratulated Leonie Van Oosterum on her appointment as Director Corporate Services.*

*The motion was carried with the Committee Members voting unanimously.*

8.2 ANNUAL REPORT BY THE COMMITTEE CHAIR

COR400236, COR400236

57/23

**MOTION:** Dicker / Bentley

**That the Audit Risk and Improvement Committee receive the Annual Report by the Chair and recommend that the report be presented to the November Council meeting.**

*The Chair noted that a lot had been achieved in the last 12 months and thanked all Council staff for the work put in to achieve this.*

*The motion was carried with the Committee Members voting unanimously.*

**Item 9: Closure**

There being no further business the meeting concluded at 10:56AM.

The next Audit, Risk and Improvement Committee will be held at 9:30AM on Friday, 24 November 2023 at Council Chambers, 86 Market Street, Mudgee.

## Item 13: Urgent Business Without Notice

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### URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

### GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

### BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

## Item 14: Confidential Session

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### LOCAL GOVERNMENT ACT, 1993

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#### 10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### 10D *GROUNDINGS FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
  - (a) the relevant provision of section 10A(2)
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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**DISCLOSURE AND MISUSE OF INFORMATION**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
  - (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989 , or
  - (e) with other lawful excuse.
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
2. (1B) Subsection (1A) does not apply to:
  - (a) the report of a committee of a council after it has been presented to the council, or
  - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
  - (a) the determination of an application for an approval, or
  - (b) the giving of an order.

**Maximum penalty: 50 penalty units**



## MOTION

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**I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.**

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

## CHAIRMAN

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*The following matters have been listed for consideration in Confidential Session:*

### **14.1 Purchase of Cabin at Mudgee Riverside Park**

***The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercially private transaction.***

### **14.2 Purchase of Land**

***The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of property arrangements regarding future leasehold land, that could disclose commercial in confidence details of the leaseholders business.***

### **14.3 General Manager's Performance Agreement 2022-23, Final Performance Review**

***The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.***

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.